

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.54 of 2024

Arising Out of PS. Case No.-57 Year-2022 Thana- MOHIUDDIN NAGAR District-
Samastipur

=====

Nanhki Ray SON OF Late Rewat Ray Village -Ramaiya, Bhadaiya, P.S.-
Mohiuddin Nagar, Dist.- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. SUNIL KUMAR MAHTO SON OF NATHUNI MAHTO RESIDENT OF
VILLAGE- KHESHRADH (KHESHARAH), PS- VIDYAPATI NAGAR,
DIST- SAMASTIPUR

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Ms.Swati Kumari, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl. P. P.

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

7 20-07-2024 1. Heard Ms. Swati Kumari, learned counsel for the

appellant and Mr. Binay Krishna, learned Spl. P. P. for the State.

No one appears on behalf of respondent No.2 and on earlier
occasion factum of communication to the respondent No.2
about this case was accepted by the learned Spl. P. P.

2.The instant appeal has been filed under Section
14(A)(2) of SC/ST (Prevention of Atrocities) Act, 1989 against
the order dated 08.12.2023 passed by the Court of learned
Special Judge SC/ST (POA) Act, Samastipur in connection with
Mohiuddin Nagar P.S. Case No. 57 of 2022 registered for the
offences punishable under Sections 341, 342, 323, 324, 427,
379, 504, 506/34 of the Indian Penal Code and Section 3(1)(r),



(s) of SC/ST Act whereby and whereunder the appellant's prayer for bail was rejected.

3. It is submitted by learned counsel for the appellant that there is no specific allegation against this appellant who has got no criminal antecedent and the allegation of abusing and assaulting the victim is general and omnibus against the appellant. The appellant is a handicapped person and has been languishing in jail since 23.11.2023. In fact, just before the alleged occurrence some exchange of hot words had taken place between one Amresh Ray and Manish Kumar Ray in respect of a contract work in front of shop of the appellant in which he did not support Amresh Ray and the informant/ respondent No.2 was working under Amresh Ray as his employee so, due to this reason at the instance of Amresh Ray the informant falsely dragged this appellant in the present case. Further submission is that the police has completed investigation against the appellant and one co-accused, Manish Kumar Ray carrying similar allegation has been granted bail by this Bench vide order dated 06.04.2023 passed in Cr. Appeal (SJ) No. 3407/ 2022.

4.Learned SPP appearing for the State has opposed the bail prayer of the appellant.

5. Having regard to the facts and circumstances of this



case and mainly considering the genesis of the occurrence and the custody period of the appellant, in my opinion, the appellant deserves to the privilege of bail. Accordingly, the order impugned is hereby set aside and the appeal stands allowed and the appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA) Act, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 57 of 2022.

(Shailendra Singh, J)

BKS/-

U		T	
---	--	---	--

