

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.112 of 2024**

Arising Out of PS. Case No.-61 Year-2023 Thana- SC/ST District- Madhubani

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Sunil Kumar Singh Son of Late Jageshwar Singh R/o Vill - Sukki Purwari
Tola, P.S. - Khajauli, Distt. - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithlesh Paswan Son of Chanchal Paswan R/o vill - Gobrahi, P.S. - Jay Nagar, Distt. - Madhubani, At present R/o vill - Thantol, Gidhwas, P.S. - Ladaniya, Distt. - Madhubani

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Jha, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 24-06-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State. None appears on behalf
of Respondent No. 2.

2. The instant appeal has been filed by the appellant
against the order dated 24.11.2023 passed by the Learned Court
of Additional Sessions Judge 1st-cum-Special Judge,
Madhubani, whereby the prayer for bail of the appellant in
connection with G.R. No. 127 of 2023, arising out of SC/ST P.S.
Case No. 61 of 2023, under Sections 448, 323, 354(B), 379,
380, 504, 506/34 of the Indian Penal Code, Sections 3(I)(r)(s)(w



i) and 3(2)(V a) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, the appellant along with other co-accused person developed contact with the daughter of the informant and later on went to the house of the informant at night, abused him by taking his caste name and asked him to handover his daughter to them for which they would sell her in Nepal. On denial the accused persons assaulted them, snatched golden chain and the appellant tore the clothes of informant's wife and fled away with a bag having valuable documents.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. There is delay of 18 days in lodging the F.I.R. It is submitted that there was love affair between the daughter of the informant and the appellant but the informant was not ready to give permission of their marriage, therefore, for mounting pressure, present case has been filed on the basis of false and ornamental allegations. Later on daughter of the informant also filed criminal case against the appellant under pressure of her father. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public



view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 11.10.2023 and has one criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 24.11.2023 passed by the Learned Court of Additional Sessions Judge 1st-cum-Special Judge, Madhubani, is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with G.R. No. 127 of 2023, arising out of SC/ST P.S. Case No. 61 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Rajorshi/-

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