

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3624 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

=====

Sonu Singh Sukha @ Sonu Singh @ Sukha @ Shivam Kumar, Son of Sohan Singh @ Sanjeev Singh, Resident of Village - Cheriya Bariarpur, P.S.- Cheriya Bariarpur, District - Begusarai

... .. Appellant

Versus

1. The State of Bihar
2. Binod Paswan, Son of Kamli Paswan, Resident of Village - Cheriya Bariarpur, Ward No.2, P.S. - Cheriya Bariarpur, District - Begusarai

... .. Respondents

=====

Appearance :

For the Appellant	:	Mr. Devendra Prasad Singh, Advocate
For the State	:	Mr. Binay Krishna, Special PP
For the Resp No. 2	:	Mr. Dinesh Maharaj, Advocate

=====

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

5 04-07-2025 Heard learned counsel for the appellant, learned counsel for the informant and learned Special PP for the State.

2. This matter has been taken up on mentioning made by learned counsel for the appellant with the consent of learned counsel for the informant and learned Special PP for the State on the ground that the appellant is required to appear in a competitive examination being held by the Bihar Technical Service Commission.

3. Mr. Devendra Prasad Singh, learned counsel for the appellant has placed before this Court a copy of the admit card to show that the examination is scheduled for 09th July, 2025.



4. In the circumstances, this matter has been taken up for consideration.

5. The present appeal has been filed for setting aside the order dated 14.06.2024 passed by learned Exclusive Special Judge, Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, Begusarai (in short 'SC/ST (POA) Act') in connection with Cheria Bariarpur P.S. Case No. 43 of 2024 for the offences under Sections 323, 341, 307, 504, 506/34 of the Indian Penal Code and Sections 3(1)(dha), 3(2)(va) of the SC/ST (POA) Act whereby and whereunder the prayer of the appellant for bail has been rejected. He is in custody since 30.05.2024. He has three criminal antecedents.

6. Earlier, this appellant had moved this Court for grant of anticipatory bail vide Criminal Appeal (SJ) No. 2151 of 2024 which was permitted to be withdrawn on behalf of this appellant vide order dated 04.06.2024.

7. From the allegations made in the FIR, it appears that one Banti Singh had called the son of the informant in his hotel, he had abused him and threatened him. It is alleged that when the son of the informant reached Vishwakarma Chauk, Cheriya, Bariyarpur, then four persons caught hold of him and took him to Aadhya Food Plaza, Cheriya Bariyarpur which is



the hotel of Banti Singh and all of them allegedly assaulted him. It is alleged that Banti Singh took the son of the informant to his *dera* and tied him with a pole/*khutta*. At this stage, allegation against this appellant is that he had made a video and all of the accused persons were hurling abuses in the caste name and while making video, they forcibly made him to drink wine.

8. Learned counsel for the appellant submits that so far as this appellant is concerned, there is no specific allegation of causing assault against him. He is said to have made a video, further, the Doctor has found four injuries out of which three are simple in nature and one is grievous but the same is not attributed to the appellant.

9. It is further submitted that the appellant has remained in jail for over one year, he is a young man, is educated and for purpose of his livelihood, he is appearing in competitive examination. The petitioner has got three criminal antecedents but in all the cases, he is on bail.

10. Learned counsel for the informant and learned Special Public Prosecutor for the State have submitted that this appellant is one of the persons who were involved in the alleged occurrence. It is submitted that though in the FIR, no specific allegation of assault had been made against him but there is a



composite allegation and according to the same, this appellant had also participated in the alleged occurrence.

11. Having regard to the submissions noted hereinabove and on taking into consideration the nature of allegations against the appellant, the fact that he is in jail for over one year in connection with this case and he has to appear in a competitive examination which is scheduled to be held from 09th July, 2025, this Court sets aside the impugned order and directs release of the appellant above-named on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, Begusarai in connection with Cheria Bariarpur P.S. Case No. 43 of 2024, subject to the conditions under Section 437(3) Cr.PC.

12. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.



13. And further condition that while being on bail, he would not try to approach/contact the informant and his family members.

14. He shall put appearance in course of trial on the dates fixed in the matter and two regular defaults in putting appearance in court without any cogent reason, his bail bond shall be cancelled.

15. This appeal stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

lekhi/-

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

