

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3581 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- KHARIK District- Bhagalpur

Suraj Singh @ Suraj Kumar Singh S/o Jaddo Singh @ Late Jatto Singh @
Sanjay Kumar Singh Resident of Village-Suraha, P.S.-Kharik, District-
Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Mito Das S/o Wakil Das R/o vill - Suraha, P.S. - Kharik, Distt. - Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sushil Jha, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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

ORAL ORDER

5 18-01-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant. Despite issuance of notice, none appears for the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 11-07-2024 passed by learned Additional District & Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur whereby the prayer for bail of the appellant in connection with Kharik PS Case No. 77 of 2024 instituted under Sections 341, 342, 307, 504 & 34 of the IPC and Sections 3(1)(r)(s), 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that co-accused



persons including the appellant assaulted the 11-years-old son of the informant on the allegation of theft.

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. It is submitted that there is no specific allegation attributed against the appellant, rather allegation is general and omnibus. Injury is found to be simple in nature. 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 02-05-2024 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant. It is submitted that allegation alleged is duly corroborated by the witnesses in their testimony during investigation.

6. Considering the aforesaid facts and circumstances of the case, there being no direct material against the appellant, clean antecedent of the appellant 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 11-07-2024 passed by learned Additional District & Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur 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 Kharik PS Case No. 77 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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