

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3789 of 2024

Arising Out of PS. Case No.-1 Year-2020 Thana- PUPRI District- Sitamarhi

Munna @ Irshad @ Md. Irshad Mansuri Son of Late Alamgeer @ Late Md. Alamgir R/V-Village - Rajbag Pupri Ward no. 7 @ Pupri Gaon, P.S. - Pupri, Dist. - Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Md. Ejaj son of Late Md. Naeem R/V-Village -Pupri Ward no. 7, P.S. - Pupri, Dist. - Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Santosh Kumar
For the Respondent/s	:	Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 15-05-2025 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 19.03.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge SC/ST (POA) Act, Sitamarhi in connection with Pupri P.S. Case No. 01 of 2020 dated 02.01.2020 registered for the offence/s punishable u/ss 341, 323, 324, 307, 385, 504, 379, 506 of the Indian Penal Code and Section 27 of Arms Act.

3. As per the prosecution case, the informant is a mason



and the petitioner demanded extortion money from his brother and took away the money box (galla) with him. When the informant requested him to return his money box, the petitioner held his collar and opened fire on him, which hit Parmanand Kumar in his right wrist. It is further alleged that he and the other accused person hit him with the butt of the pistol on his head and inflicted a knife blow on him.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. It is further submitted that as per para-124 of the case diary, the injuries sustained by the informant are simple in nature. The appellant has eight criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 22.04.2022.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail and submitted that as per para-92 of the case diary, two gun shot injuries were received by informant's brother and the informant had received three incised injuries and three lacerated injuries over scalp caused by hard and blunt substance. Earlier the regular bail of the petitioner was rejected by the Co-ordinate Bench of this Court vide order dated 08.08.2023



passed in Cr. Misc. No. 23672 of 2023.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 19.03.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge SC/ST (POA) Act, Sitamarhi in connection with Pupri P.S. Case No. 01 of 2020 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum-Special Judge SC/ST (POA) Act, Sitamarhi in connection with Pupri P.S. Case No. 01 of 2020, with a condition:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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