

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4128 of 2024

Arising Out of PS. Case No.-125 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Muni Lal Rai @ Munna Rai Son of Late Ghoghan Rai Resident of Rachiahi -
Kachahari Tola, P.S. -Singhaul O.P. (Muffasil), District - Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Paswan Son of Late Dev Nandan Paswan Resident of Rachiahi -
Kachahari Tola, P.S. -Singhaul O.P. (Muffasil), District - Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shubhesh Pandey, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Ms. Perna Anand, Advocate

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

ORAL ORDER

3 01-05-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State, learned counsel for the

informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant

against the order dated 31.07.2024 passed by Learned Exclusive

Special Judge SC/ST (POA) Act, Begusarai whereby the prayer

for bail of the appellant in connection with Begusarai Muffasil

(Singhaul) P.S. Case No. 125 of 2021 under Sections 147, 148,

149, 341, 324, 307, 448, 504, 506, 120(B) of the Indian Penal

Code, read with Section 27 of the Arms Act and Section 3(2)(v)

(r)(s) of SC/ST (POA) Act was rejected.



3. Prosecution case, in short, is that, the appellant along with other co-accused persons came variously armed and started abusing the informant in the name of his caste. They were threatening the informant of dire consequences to withdraw the case which has been lodged against them. It is further alleged that the appellant has fired from his pistol causing injury to the wife of the informant as a result of which she fell down unconscious.

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. Learned counsel for the petitioner also submits that the petitioner is named in the FIR and his name surfaced with specific role in the case but during the course of investigation none of the independent witnesses in the statement has supported the factum of the offence specific against the appellant. It is next submitted that on perusal of the injury report, it appears that the injury sustained by wife of the informant is 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 31.07.2024 and has got four criminal antecedents. Similarly situated co-accused have been granted regular bail by a Co-ordinate Bench of this Court vide order dated 10.08.2021 passed in Cr. Appeal (S.J.) No. 3000 of 2021.

5. Learned Special P.P. for the State and the informant have 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 31.07.2024 passed by Learned Exclusive Special Judge SC/ST (POA) Act, Begusarai is hereby set aside.

7. Let the appellant be released on bail ***after framing of charge, if not already framed*** 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 Begusarai Muffasil (Singhaul) P.S. Case No. 125 of 2021, 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)

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