

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4563 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- Gaura P.S. District- Saran

Sudhir Singh Son of Mankamna singh Resident of Village - Nethua, P.S. -
Gaura, District - Saran

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sita Devi Wife of Shalendra Ram Resident of Village - Nethua, P.S. - Gaura,
District – Saran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dr. Rajesh Kumar Singh, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Resp. No.2	:	Mr. Udai Shankar Singh, Adv.

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

ORAL ORDER

5 06-03-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the Informant.

2. The instant appeal has been filed by the appellant
against the order dated 07.08.2024 passed by the learned
Exclusive Special Judge, SC/ST Court, Saran at Chapra
whereby the prayer for bail of the appellant in connection with
Gaura P.S. Case No. 45 of 2024 under Sections 341, 323, 324,
325, 326, 307, 504, 506 of the I.P.C. and Sections 3(1)(r)(s)
(w)/3(2)(va) of the SC/ST (PoA) Act, was rejected.

3. As per prosecution case, the accusation against the



appellant is of assaulting the Informant by means of *Dab* due to which she sustained grievous injuries over her head and hand.

4. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in the present case with false and frivolous allegations. The appellant has not committed any offence as alleged in the F.I.R. There is a long enmity going on between the parties and the alleged occurrence has not taken place in a public place. He further submits that during investigation, the Informant has specifically stated that the head injury was caused by co-accused Mankamna Singh which is grievous in nature and all other injuries are found to be simple in nature. The Doctor has also not found any sharp-cut injury on the head of the Informant although the Informant has alleged that the appellant had used Dab, a sharp-cutting weapon for inflicting injury and, thus, the same falsifies the prosecution case. 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 has one criminal antecedent and is languishing in judicial custody since 02.05.2024 without any



rhymes or reason. Charge-sheet has been submitted in this case.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that the offence alleged against the appellant is serious in nature.

6. Having heard learned counsel for the parties and taking into account the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 07.08.2024 passed by the learned Exclusive Special Judge, SC/ST Court, Saran at Chapra is hereby set aside.

7. Let the appellant, abovenamed, 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 Gaura P.S. Case No. 45 of 2024, subject to following conditions;

(i) One of the bailor(s) shall be the own/close family members of the appellant.

(ii) The appellant shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates



without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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