

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5090 of 2024

Arising Out of PS. Case No.-123 Year-2024 Thana- UCHKAGAON District- Gopalganj

Balister Baitha S/o Nathuni Baitha Resident of Village- Bankikhal, PS-
Uchkagaon, Distt.- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sheshnath Baitha S/o Kishun Baitha R/o vill - Bankikhal, P.S. - Uchkagaon,
Distt.- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vyas Kumar Mishra
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 27-03-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State, however, none turned up on
behalf of the respondent no. 2 despite the notice has validly been
served.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 against the rejection of prayer for bail vide order dated
30.09.2024 passed by the learned Additional Sessions Judge – cum -
Special Judge, SC/ST (POA) Act, Gopalganj in Uchkagaon P.S. Case
No. 123 of 2024 dated 26.04.2024 registered for the offence/s
punishable u/ss 341, 323, 324, 307, 504 read with section 34 of the
Indian Penal Code and sections 3(i)(r)(s) of the SC/ST (POA) Act.

3. As per the prosecution case, When the informant went



to make complaint to the petitioner about the quarrel between their grandsons. In the meantime, the petitioner and the co-accused persons came out of their house and the petitioner assaulted him with lathi on his head which hit his shoulder causing broken injury, thereafter the petitioner also assaulted the informant with Farsa on his head with the intention to kill causing injury.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. There is case and counter case between the parties. As per the the injury report, the informant sustained two linear abrasion on forearm and shoulder and the injury is stated to be grievous in nature. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 02.09.2024.

5. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant by submitting that there is specific allegation against the petitioner. As per the the injury report, the informant sustained two linear abrasion on forearm and shoulder and the injury is stated to be grievous in nature.

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 30.09.2024 passed by the learned Additional Sessions Judge – cum - Special Judge, SC/ST (POA) Act, Gopalganj in Uchkagaon P.S. Case No. 123 of 2024, 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 learnedAdditional Sessions Judge – cum - Special Judge, SC/ST (POA) Act, Gopalganj in Uchkagaon P.S. Case No. 123 of 2024, with the condition/s:-

(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 appellants are liable to be cancelled.

guddukr/-
(Chandra Prakash Singh, J)

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