

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5497 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- NADI P.S. District- Patna

MUNNA KUMAR S/O- SOMNATH SAO @ SOMNATH SAH Village-
Jethuli Ps-Nadi Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. SONU DANCER S/o- Late Sakbali Dancer Village- Jethuli Ps- Nadi Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Jay Ram Prasad
For the Resp No. 2	:	Mr. Ajay Kuamar
		Mr. Sanju Singh
For the Respondent/s	:	Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 17-04-2025 Heard learned counsel for the appellant and learned counsel for the respondent no. 2 as well as 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 against the rejection of prayer for bail vide order dated 25.10.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Patna in Special Case No. 145 of 2024 arising out of Nadi P.S. Case No. 100 of 2024 dated 25.03.2024 registered for the offence/s punishable u/ss 341, 324, 384, 307, 504 of the Indian Penal Code and sections 3(1)(r)(s) / 3(2)



(va) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant is alleged to have abused the informant and his brother and assaulted the informant's brother with knife with intention to kill in his stomach 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. It is further submitted that the injury is stated to be simple in nature. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 26.03.2024.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant by submitting that there is direct allegation against the appellant is of stabbing the informant's brother.

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



25.10.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Patna in Special Case No. 145 of 2024 arising out of Nadi P.S. Case No. 100 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 learned Exclusive Special Judge, SC/ST (POA) Act, Patna in Special Case No. 145 of 2024 arising out of Nadi P.S. Case No. 100 of 2024, with the condition/s:-

(1) The court below shall verify the criminal antecedent of the appellant and at any stage, if it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Chandra Prakash Singh, J)

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