

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.862 of 2016**

Arising Out of PS.Case No. -140 Year- 2015 Thana -AURAI District- MUZAFFARPUR

=====

1. Awadh Kishore Singh, S/o Late Sudhish Narayan Singh, R/o Village- Basant,  
P.S.- Aurai, District- Muzaffarpur.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr.

For the Respondent/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR  
SRIVASTAVA**

**ORAL JUDGMENT**

**Date: 16-01-2017**

Heard learned counsel for the appellant as well as learned  
Special P.P. for the State and learned counsel for the informant.

2. This criminal appeal, filed under section 14A (2) of the  
SC/ST (Prevention of Atrocities) Amendment Act, is preferred against  
the order dated 14.09.2016 passed by the learned 3<sup>rd</sup> Additional  
Sessions Judge cum Special Judge SC/ST Act, Muzaffarpur, by  
which the prayer of the appellant for regular bail in connection with  
Aurai P.S. Case No.140 of 2015 registered under section 302/34 of  
the Indian Penal Code and section 3(2)(v) of the SC/ST Act was  
rejected.

3. The accusation against the appellant is that he along  
with other F.I.R named accused took the deceased from his house



and, later on, the dead body of the deceased was recovered. It is also alleged that 4 to 5 days prior to the alleged occurrence, the appellant and his supporters had abused the deceased calling his caste name and the deceased had given Sanha before the local police, which had caused annoyance to the appellant and his supporters and, therefore, they committed the present crime.

4. Submission on behalf of the appellant is that none has seen the actual killing of the deceased nor any independent witness in course of investigation claimed to have seen the appellant taking away the deceased from his house. It is further submitted that even if the story, as propounded, is assumed to be true, then also, it is very difficult to believe that the deceased would accompany the appellant and others because there was previous dispute between the appellant and the deceased. Moreover, it is also submitted that having similar allegation, some co-accused have already been granted privilege of bail by a co-ordinate Bench of this Court. The appellant is in jail custody since 8.09.2016 and except suspicion as well as above stated circumstance, there appears to be nothing against him but the learned court below failed to take note of the aforesaid facts.

5. Considering the aforesaid facts and circumstances as well as submission of the parties, I am of the opinion that the impugned order cannot be sustained in the eye of law. Accordingly,



this criminal appeal is allowed and the impugned order dated 14.09.2016 passed by the 3<sup>rd</sup> Additional Sessions Judge cum Special Judge SC/ST Act, Muzaffarpur is hereby set aside.

6. Accordingly, the appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of 3rd Additional Session Judge cum Special Judge SC/ST Act, Muzaffarpur in connection with Aurai P.S.Case No. 140 of 2015.

**(Hemant Kumar Srivastava, J)**

N.K/-

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| CAV DATE          | NAFR       |
| Uploading Date    | 19.01.2017 |
| Transmission Date | 19.01.2017 |

