

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3500 of 2017

Arising Out of PS.Case No. -247 Year- 2017 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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1. Sujit Prasad @ Sujit Kumar son of Shivjee Prasad resident of village -
Murgiachak, P.S. Rahui, District - Nalanda.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. P.K. Sinha, Sr. Advocate
Mr. Arun Kumar, Advocate
For the Informant : Mr. Raj Kishore Prasad, Advocate
For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 01-02-2018 Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Nalanda, in connection with Rahui (Wena) Police Station Case No.247 of 2017 registered under Sections 379/504/302/34 and other minor sections of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to F.I.R., about 14 persons including the



appellant allegedly assaulted to Radhe Paswan on 06.09.2017 as a result whereof Radhey Paswan died subsequently.

Learned counsel for the appellant submits that on the date of occurrence itself Radhey Paswan had gone to the police station. His injuries were noted by the police officer, who found injuries at the finger, chest and right leg and Radhey Paswan was referred to Hospital. However, he did not disclose the name of the assailant, which would be evident from paragraph 4 of the case-diary. There is no reason for non-disclosure of the name of the assailants especially in view of the fact that the injuries were not of such a nature that the patient was in critical condition to not to speak anything nor the police has recorded anything like that. After death of Radhey Paswan the present F.I.R. was lodged falsely implicating the name of the accused persons due to political rivalry. He further submits that though some witnesses have supported the case as eyewitness. However, there is strong suspicion on the truthfulness of the prosecution case based on material on the record that the F.I.R. was lodged only after death of the injured. Moreover, the doctor had found lacerated wound at the left index-finger, swelling at the chest and the lacerated wound at the right lower limb of the deceased. Even the injury report does not reveal that the patient was unconscious to give statement.



Learned counsel for the informant opposed the prayer for bail.

Considering the aforesaid doubtful circumstance appearing in the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the appeal stands allowed.

(Birendra Kumar, J)

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