

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2488 of 2018

Arising Out of PS. Case No.-64 Year-2017 Thana- MOHAMMADPUR District- Gopalganj

Amit Kumar Singh, Son of Satyadeo Singh, Resident of Village- Budhsi Kund, P.S.- Mohammadpur, District- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar Through The Special P.P. S.C. & S.T. (prevention of Atrocities) Act.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sunil Kumar Sharma
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 08-10-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 18.01.2018 passed by the learned 1st Additional Sessions Judge, Gopalganj in Mohammadpur Police Station Case No.64 of 2017, corresponding to G.R. No.2420 of 2017 registered under Sections 302/34 of the Indian Penal Code and Section 3(i)(x), 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

During a dance programme in a *Baarat*, occurrence of assault was committed against the deceased. Specific allegation



is against the appellant and co-accused, *Brajesh Singh* that they assaulted with their respective spear causing injury just above right thigh of the deceased and while the deceased was on the way for treatment, he died. Informant is brother of the deceased and he claims to be an eyewitness of the occurrence.

Submission of the learned counsel for the appellant is that single injury was found by the Doctor while performing postmortem examination at the right upper thigh. On dissection blood was present in cranial cavity of the head and the death was due to shock and hemorrhage resulting from the above referred injury caused by hard and blunt substance and sharp and pointed substance.

Contention is that when two persons allegedly caused injury with spear there was no reason that only single wound be caused. A subsequent witness examined during investigation supported therein that co-accused, *Brajesh Singh* caught the deceased and appellant gave spear blow causing injury.

Learned counsel for the informant opposed the prayer for bail on the ground that several eyewitnesses have supported the prosecution case before the Police.

At this stage it is difficult to rely on the informant, according to whom two persons caused two injuries to the



deceased and other eyewitnesses according to whom the appellant was the person who had caused injury.

The appellant has stated on oath that he has got no criminal antecedent. The appellant is in custody since 15.07.2017. Investigation of the case is already complete.

Considering the aforesaid facts, let the appellant, above named, be released 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 learned court below where the case is pending in connection with the aforesaid case, subject to the 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 impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

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