

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1656 of 2019**

Arising Out of PS. Case No.-245 Year-2016 Thana- BIKRAMGANJ District- Rohtas

DHARMENDRA KHAN Son of Late Md. Muslim Khan Resident of Village,
Post office and Police Station- Piro, District- Bhojpur

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajani Kant Singh
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

3 27-06-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 07.03.2019 passed by learned 1stAddl. Sessions Judge cum Special Judge SC/ST, Rohtas at Sasaram in connection with Bikramganj P.S. Case No.245 of 2016 registered under Section 302/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The husband of the informant is said to have



proceeded to Bikramganj on the tempo of appellant for purchasing stone article. Subsequently, three accused persons including one Saddam Khan came at her door on tempo laden with the stone article. She suspects that appellant along with other accused persons have eliminated her husband.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. He has no concern with the aforesaid occurrence. As a matter of fact, the husband of the appellant was regressing to his house after purchasing stone articles but on the way he fell down from the tempo and sustained injury which proved fatal. The doctor who has conducted the autopsy of the cadaver of the deceased has also found injury on the head and face by falling from the tempo. Appellant has no criminal antecedent and has been languishing in custody since 28.12.2018.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the 1st Addl. Sessions Judge cum Special Court SC/ST, Rohtas
at Sasaram in connection with Bikramganj P.S. Case No.245 of
2016.

Accordingly, the impugned order is set aside and
appeal is allowed.

(Prakash Chandra Jaiswal, J)

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