

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1812 of 2019

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

SADDAM KHAN Son of Ekbal Khan Resident of Village - Bikramganj, P.S.-
Bikramganj, Distt.- Rohtas.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

4 22-07-2019 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 of anticipatory bail vide order dated 13.03.2019 passed by learned 1st Additional Sessions Judge cum Special Court SC/ST, Rohtas in connection with Registered Case No.06 of 2019, arising out of Bikramganj P.S. Case No.245 of 2016 registered under Section 302/34 of the Indian Penal Code and Section 3(1) (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 Dharmendra Khan for



purchasing stone article. Subsequently, three accused persons including 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 informant 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 of deceased caused by falling from the tempo. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released 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 learned 1st Additional



Sessions Judge cum Special Court SC/ST, Rohtas in connection with Registered Case No.06 of 2019, arising out of Bikramganj P.S. Case No.245 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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