

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3159 of 2019**

Arising Out of PS. Case No.-632 Year-2018 Thana- JAHANABAD District- Jehanabad

Karnan Dom @ Karan Dom Son of Murari Dom Resident of village-
Ambedkar Nagar, Jehanabad, Ward No. 25, P.S. and District- Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satyendra Prasad Singh
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

3 27-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 20.05.2019 passed by learned 1st Addl. Sessions Judge,
Jehanabad in Jehanabad P.S. Case No. 632 of 2018 registered
under Sections 302/34 of the Indian Penal Code and Section
3(2)(v) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

In the course of regressing to his house by the
informant from his scrap-shop, five named accused persons
including the appellant started assaulting him. When his father



rushed in his rescue, they also assaulted him by means of lathi and rod on his head making him seriously injured. He was rushed to the Sadar Hospital to accord him medical aid, from where he was referred to PMCH, but he succumbed to his injury during the course of treatment.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. Allegation levelled against the appellant is not specific rather general and omnibus in nature. As per the FIR, the occurrence took place on 07.08.2019 at around 12:00-01:00 PM, but the deceased was admitted in the PMCH on 06.08.2018 at 06:30 PM and succumbed to injury on 07.08.2018 at 11:00 AM, i.e. preceding to the occurrence, which creates serious doubt about the prosecution case. Appellant has no criminal antecedent and has been languishing in custody since 11.03.2019. Similarly situated co-accused, namely, Laddu Dom and Ranjit Dom have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 21.06.2019 passed in Cr. Appeal (SJ) No. 887 of 2019.

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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Jehanabad in Jehanabad P.S. Case No. 632 of 2018.

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

(Prakash Chandra Jaiswal, J)

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