

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4628 of 2019

Arising Out of PS. Case No.-268 Year-2019 Thana- BAIRIYA District- West Champaran

Pappu Kumar Gupta Son of Kishori Prasad Gupta Resident of Village - Balua
Tola, Nautan, P.S.- Nautan, Distt - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anuj Kumar

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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

ORAL ORDER

3 18-11-2019 As prayed, learned counsel for the appellant is permitted to make necessary correction regarding district of the appellant in the cause title of the memo of appeal during course of the day.

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 of anticipatory bail vide order dated 28.09.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST/POCSO, Bettiah, West Champaran in Bairiya P.S. Case No. 268 of 2019 registered under Sections 304/34 of the Indian Penal Code and Section



3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

When the informant arrived at the appellant regarding treatment of her ailing son, he got injection administered to him through his compounder, namely, Abre Alam but, her son succumbed and the appellant managed to escape.

It is submitted by learned counsel for the appellant that the appellant has no concerned with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics for exodus of the appellant from the village. He was not present at the place of occurrence. There is no allegation of administering injection to the deceased against the appellant rather against compunder Abre Alam. No offence under SC/ST Act is made out against the appellant. Parties to the case have compromised the matter. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a



period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, SC/ST/POCSO, Bettiah, West Champaran in Bairiya P.S. Case No. 268 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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