

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4654 of 2019

Arising Out of PS. Case No.-206 Year-2016 Thana- BAHADURPUR District- Patna

1. GODHAN SAW Son of Late Ram Sharan Saw Resident of Mohalla- Saidpur Nand Nagar Colony, Police Station- Bahadurpur, District- Patna.
2. Rajesh Kumar Son of Godhan Saw Resident of Mohalla- Saidpur Nand Nagar Colony, Police Station- Bahadurpur, District- Patna.
3. Subodh Sao Son of Godhan saw Resident of Village- Sabalpur Diar, Police Station- Sonepur, District- Chhapra at Present Resident of Mohalla- Saidpur Nand Nagar Colony, Police Station- Bahadurpur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajiv Nayan

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 25-10-2019 Heard learned counsel for the appellants 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 17.09.2019 passed by learned Additional Sessions Judge-XX-cum Special Judge SC/ST Act, Patna in connection with Bahadurpur P.S. Case No. 206 of 2016 registered under Sections 302 and 328/34 of the Indian Penal Code and Section 3 (2) b (va) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

Son of the informant was in love with Basanti Devi @ Kavita Kumari but the family members of Basanti Devi used to dislike him and due to that reason they called his son to his house through Basanti Devi @ Kavita Kumari and after assaulting him administered him poison. Resultantly his son arriving at his house started vomiting and felt restlessness and succumbed.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case because co-accused Basanti Devi @ Kavita Kumari has lodged a case being Bahadurpur P.S. Case No.159 of 2016 against the mother and other relatives of the deceased. The deceased was in love with the co-accused Basanti Devi @ Kavita Kumari but her family members were not ready to perform her marriage with the deceased as he happens to be of different caste hence the deceased suo motu consumed poison. Earlier the deceased has also consumed poison for the said reason but he was saved at that time. Informant in his statement recorded in para-51 of case diary given to the police on quizzing stated that earlier the deceased had consumed poison but he was saved after



treatment. The independent witnesses in para-23, 24 & 25 of the case diary have unanimously stated that the deceased was in love with Basanti Devi @ Kavita Kumari and her family members used to dislike him due to caste factor. Earlier he had taken poison but he was saved. The doctor has not found any injury on the person of the deceased. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent. Similarly situated co-accused, namely, Savita Devi and Basanti Devi have been enlarged on bail by this court vide order dated 22.07.2019 passed in Cr. Appeal (SJ) No. 706 of 2019.

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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XX-cum Special Judge SC/ST Act, Patna in connection with Bahadurpur P.S. Case No. 206 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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