

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.738 of 2020

Arising Out of PS. Case No.-23 Year-2018 Thana- SC/ST District- Nawada

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Tun Tun Singh Son of Sita Singh Resident of Village - Kaithir, P.S.- Hisua,
District- Nawada

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Santosh Kumar Jha, Adv.
For the Respondent/s : Ms.Usha Kumari 1, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 07-07-2020 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through video

conferencing.

The instant appeal under section 14A(2) of the SC and
ST (Prevention of Atrocities) Act has been preferred against the
rejection of application for regular bail of the appellant vide
order dated 2.1.2020 passed in SC/ST P.S. Case no.23 of 2018
corresponding to Special Case no. 180 of 2018 registered under
sections 341, 323, 325, 307 and 34 of the Indian Penal Code and
sections 3(1)(r)(s) of the SC and ST (Prevention of Atrocities)
Act.

As per the allegation in the FIR, it is stated by the
informant that while the husband of the informant was returning
home, the appellant and three others who were waiting for him,



beat him up and took him to their home. It is thereafter stated that all the accused persons abused him in the name of his caste and brutally beat him up by kicks and fists and also repeatedly assaulted him with their leg on his stomach.

The husband of the informant died in course of treatment.

It is submitted by learned counsel for the appellant that the informant is not an eye witness to the alleged occurrence and the appellant and others have been falsely implicated in the case. It is further submitted that the allegation of the appellant and others having brutally assaulted the husband of the informant is neither supported from the inquest report which has come in the case diary nor from the post mortem report wherein besides the head injury, no other injury has been found. Referring to the post mortem report it is further submitted that cause of death is stated to be a head injury caused by hard blunt force. Stressing on the word 'force', it is submitted that the same was due to head injury sustained by the husband of the informant in an accident and because of enmity, the appellant has been falsely implicated making false allegation. The appellant is in custody since 18.12.2019 and has no criminal antecedent.



The appeal is opposed by the learned Special P.P. for the State who submits that not only the appellant is named in the F.I.R. but there is direct allegation against him.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the submissions made on behalf of the appellant, the appellant being in custody since 18.12.2019 and having no criminal antecedent, the Court is inclined to allow the instant appeal. The order dated 2.1.2020 passed in SC/ST P.S. Case no.23 of 2018 corresponding to Special Case no. 180 of 2018 is set aside.

The appeal is allowed.

The appellant is directed to be enlarged on bail in connection with Special Case No. 180 of 2018 arising out of SC/ST P.S. Case No. 23 of 2018 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 Judge (SC/ST Act), Nawada.

(Partha Sarthy, J)

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