

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1437 of 2020

Arising Out of PS. Case No.-213 Year-2019 Thana- SAKURABAD District- Jehanabad

Niranjan Sharma Age – 40 years, Male, Son of Mohan Sharma. Resident of Village- Pokhawan P.S.- Shakurabad, Distt.- Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sandeep Kumar Shai
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 05-12-2020 Heard Mr. Sandeep Kumar Shahi, learned counsel for the appellant and Mr. Sadanand Pawan, learned counsel appearing for the State through video conferencing.

The present appeal is directed against the order dated 29.02.2020 passed by learned Addl. Sessions Judge 1st Jehanabad in Special SC / ST P.S. Case No. 180 of 2019 arising out of Shakurabad P.S. Case No. 213 of 2019 registered for the offence under Section 341 / 323/ 325/ 307 / 504 / 302 / 506 / 34 of the I.P.C. and Section 3 (1)(r)(s), 3 (2)(v) of the SC / ST (Prevention Of Atrocities) Act whereby the regular bail application of the appellant has been rejected

The allegation as per the First Information Report is that the appellant alongwith other accused persons arrived at the house of the informant and asked his father as to why his clothes



were not pressed early and started to abuse him by his caste name and on objection raised by his father, the appellant alongwith other accused persons brutally thrashed him by fists and slaps and pushed him down on Earth and climbed on his chest, due to which he died in hospital.

Learned counsel for the appellant submits appellant has not committed any offence in the manner alleged and even if the allegation levelled in the First Information Report is taken on its face value, at best it will come under the purview of Section 304 of the I.P.C. and not 302 of the I.P.C. Learned counsel further submits that from perusal of the First Information Report it would be evident that the victim has died due to head injury not caused by the appellant and appellant has remained in custody since 14.11.2019.

Having regard to the submissions made by the parties and taking into consideration the materials available on record and the fact that the appellant is in custody since 14.11.2019 , I am inclined to grant regular bail to the appellant.

Accordingly, let the appellant, above named, be released on regular bail 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 Jehanabad in



connection with Special SC / ST P.S. Case No. 180 of 2019
arising out of Shakurabad P.S. Case No. 213 of 2019.

It is made clear that at the time of furnishing bail bond
all the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J)

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