

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1552 of 2020**

Arising Out of PS. Case No.-920 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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RAVI KUMAR SRIVASTAVA Son of Late Kedar Prasad Resident of
Mohalla- Bibiganj, P.S.- Sadar, District- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Manoj Kumar

For the Respondent/s : Ms. Usha Kumari Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 09-10-2020 The appellant has put to challenge an order dated
27.05.2020 passed by the learned Additional Sessions Judge,
IX-cum Special Judge, SC&ST (POA) Act, Muzaffarpur in
Kanti P.S. Case No. 920 of 2019 registered for the offences
punishable under Sections 341,323,307,504,506/34 of the Indian
Penal Code and Sections 3(1) (r) (s) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act, whereby,
his application for release on regular bail has been rejected.

The appellant is in custody since 17.02.2020. It is the
case of the prosecution that on 25.12.2019 the appellant and his
full brother, came to the informant's house and started abusing
him and taking his caste's name. They were attempting to
kidnapp the informant. When father of the informant



interceded, he was also abused, taking caste's name. It is alleged against the appellant that he hit informant's father in his head with the butt of the pistol whereafter he became unconscious. The informant's father was taken to hospital and was allegedly put on ventilator because of his serious condition. For the occurrence said to have taken place on 25.12.2019, the First Information Report came to be registered on 29.12.2019 on the basis of a written report of the informant addressed to the officer Incharge of the Police Station. The informant's father died after sometime, whereafter Section 302 of the Indian Penal Code has been added.

Learned counsel for the appellant has made two submissions. He has submitted that it has been alleged in the First Information Report that the appellant hit the informant with the butt of the pistol. Had there been any intention to kill, the fire arm could have been used otherwise. He has also submitted that there is no allegation of repetition of blow. It has secondly been submitted with reference to Annexure-2 of the present memo of appeal that the appellant is physically challenged person and it is highly improbable that he could commit such offence. He contends that the victim might have received injuries on fall, in his head and the appellant and his



brother have been implicated because of animosity. He has submitted that the informant's brother has lodged two other cases, making allegation of commission of offence under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

Considering the nature of accusation in the FIR and the submission made on behalf of the appellant as noted above, in my opinion, a case for grant of regular bail is made out. The impugned order dated 27.05.2020 passed by the learned Additional Sessions Judge, IX cum Spl. Judge, SC&ST (POA) Act, Muzaffarpur in Kanti P.s. Case No. 920 of 2019 requires interference. The impugned order dated 27.05.2020 is accordingly set aside.

This appeal is allowed.

Let the appellant above-named be released 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 Additional Sessions Judge, IX cum Spl. Judge, SC & ST (POA) Act, Muzaffarpur in connection with Kanti P.S. Case No. 920 of 2019.

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(Chakradhari Sharan Singh, J)

