

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1794 of 2020

Arising Out of PS. Case No.-48 Year-2020 Thana- THAKURGANJ District- Kishanganj

1. PITHAKHUWA @ SAHID ALAM Son of Kasim Alam Resident of Village- Shayma Lal Bhatta, P.S.- Thakurganj, District- Kishanganj.
2. Rotikhuwa @ Zahid Alam Son of Kasim Alam Resident of Village- Shayam Lal Bhatta, P.S.- Thakurganj, District- Kishanganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Prawesh Kumar

For the Respondent/s : Mr.Vinay Krishna

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-12-2020

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the appellants and Sri Vionay Krishna, the learned Spl.P.P. for the State.

The present appeal has been preferred under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail vide order dated 18.06.2020, passed by the learned Additional District and Sessions Judge 1st-cum-Special Judge, Kishanganj arising out of Thakurganj PS case no. 48 of 2020 under Sections 302 and other allied sections of Indian Penal Code and 3(2)(v)(1)(s) of



Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellants and others are alleged to have abused the informant on account of dispute having erupted amongst the parties and during the course thereof, the co-accused person namely Lal Bahadur is stated to have inflicted a knife blow in the stomach of the husband of the informant, resulting in his subsequent death.

The learned counsel for the appellants has submitted that the appellants are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that as far as the appellants are concerned, neither they are alleged to have abused the informant by taking her caste name nor they are alleged to have assaulted the deceased and infact the co-accused person namely Lal Bahadur had inflicted a knife blow in the stomach of the deceased resulting in his death, hence it is submitted that no offence is made out under the provisions of the SC/ST Act, 1989.

Per contra, the learned Spl.PP for the State vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that a general and omnibus allegation has been levelled against the appellants herein and moreover they are not the persons responsible for infliction of



knife blow on the stomach of the deceased resulting in his death, I deem it fit and proper to admit the appellants to the privilege of anticipatory bail. Accordingly, let the abovenamed appellants, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st-cum-Special Judge, Kishanganj in connection with Thakurganju PS case no. 48 of 2020, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

Accordingly, the impugned order dated 18.06.2020 passed by the court of learned Additional District and Sessions Judge 1st-cum-Special Judge, Kishanganj in connection with Thakurganj PS case no. 48 of 2020 is hereby set aside.

The appeal stands allowed.

(Mohit Kumar Shah, J)

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