

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1579 of 2020

Arising Out of PS. Case No.-83 Year-2020 Thana- KHODAWANDPUR District- Begusarai

BIR BAHADUR SINGH @ SHIV SHANKAR SINGH S/O Ram sagar Singh
@ Sagar Singh R/O- Vill.- Malpur, Ward No. -7, P.S. - Khodawandpur
(Chhaurahi O.P.), Dist. - Begusarai.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shubhesh Pandey
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-10-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the appellant is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

Heard the parties.

The matter relates to grant of anticipatory bail to the
appellant in connection with Khodabandpur (Chhaurahi O.P.)
P.S. Case No. 83 of 2020 registered for the offences under
Sections 342, 376 & 302 of the Indian Penal Code and Sections
3(i)(r)(s)/w of the SC/ST (POA) Act.



Allegedly, the dead body of *Gotani* of the informant was found in the field of one Vishwa Bahadur Singh. The informant suspected that her *Gotani* was raped and thereafter, she was murdered by electric current.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. As per medical report of the victim, the death was caused due to sudden cardiac asystole, as a result of high voltage electric current. No evidence of any sexual assault was found on the victim. The said medical report is Annexure-2 to the present appeal. The alleged occurrence has not taken place at a public place. Hence, no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 14-08-2020 passed by learned Special Judge, SC/ST (POA) Act, Begusarai in Khodabandpur (Chhaurahi O.P.) P.S. Case No. 83 of 2020 is set aside. The present Criminal Appeal is ***allowed.***

Accordingly, let the appellant, above named, in the event



of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Begusarai in connection with Khodabandpur (Chhaurahi O.P.) P.S. Case No. 83 of 2020.

(Sudhir Singh, J)

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