

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1844 of 2020

Arising Out of PS. Case No.-131 Year-2017 Thana- DARAUNDA District- Siwan

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SANTOSH SHARMA @ SANTOSH VERMA Son of Kiskindha Sah
Resident of Village - Sirsawan, Naya Tola, P.S. - Daraunda, District - Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dilip Kumar Roy, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-12-2020 Heard learned counsel for the appellant and the

State.

The appellant is aggrieved by the order dated 20.08.2020 passed by the Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Siwan in Daraunda P.S. Case No. 131 of 2017 registered for the offences under Sections 147, 341, 342, 323, 308 and 304 IPC and Sections 3(2) (v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby prayer for grant of regular on behalf of the appellant has been rejected.

Learned counsel appearing on behalf of the appellant would submit that the appellant has no criminal antecedent. The present case is concocted story hatched up by the police. In fact, the victim died in police custody although the police was



informed about the fact that one thief was apprehended by the villagers but after inordinate delay the police reached the place of occurrence and thereafter the thief was beaten by the villagers. The thief was taken to the hospital who died there and as such, the appellant, who was unaware of the caste and details of the victim cannot be fastened with the liability of SC/ST Act. The appellant is in custody since 19.05.2020.

Considering the totality of the fact situation, the impugned order dated 20.08.2020 is set aside and the appeal is, accordingly, allowed.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I-cum- Special Judge SC/ST Act, Siwan in connection with Daraunda P.S. Case No. 131 of 2017.

(Anil Kumar Upadhyay, J)

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