

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4345 of 2019

Arising Out of PS. Case No.-115 Year-2019 Thana- SUGAULI District- East Champaran

DHRUV PRASAD Son of Ram Lochan Prasad Resident of Village-
Machhahan, Police Station- Muffassil Motihari, District- East Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

5 05-10-2020 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.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the
appellant in connection with Sugauli P.S. case No.115 of 2019
registered for the offences under Sections 307, 302 of the I.P.C.
and Sections 3(ii) (v) of the SC/ST (Prevention of Atrocities)
Act, 1989.

The prosecution case, in short, is that on 23.03.2019
the informant’s husband and her cousin were going to demand
the dues money and at about 11 a.m. they reached near Baksa
village, then the accused persons came and started abusing by



taking his caste name. Thereafter started fleeing away, but the accused persons including the appellant surrounded her husband and brother and started firing upon her husband and killed him. His brother also received injury in the stomach, who was taken to the Hospital for treatment.

It has been submitted on behalf of the appellant that there is no allegation of tampering of witnesses alleged against the appellant. General and omnibus allegation has been made against the appellant and other accused persons, who were making indiscriminate firing. From perusal of the postmortem report, it is evident that the injury on the body of the deceased is said to have been caused by sharp cutting weapon. There is no fire arm injury on the body of the deceased. The manner of occurrence is falsified from the postmortem report itself. It has further been submitted that the statement of a companion of the deceased has been recorded in paragraph 60 of the case diary. He has also not named the appellant. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

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

In view of the aforesaid facts and circumstances, the



order dated 31.08.2019, passed by the 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran, Motihari in A.B.P. No.2398 of 2019, in connection with Sugauli P.S. case No.115 of 2019, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event of arrest/surrender before the learned court below within a period of twelve 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran, Motihari in connection with Sugauli P.S. case No.115 of 2019.

(Sudhir Singh, J)

Narendra/-

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