

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1064 of 2021

Arising Out of PS. Case No.-45 Year-2019 Thana- CHHAURADANO District- East
Champaran

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RANGILA KUMAR Son of Anutha Rai Resident of Village - Murli, P.S.-
Chhauradano, District - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sunil Kumar No.Iii
For the Respondent/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-03-2021 Heard learned counsel for the appellant and the State.

The present memo of appeal has been filed on behalf of the appellant for grant of bail against the order dated 09.11.2020 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), East Champaran, Motihari in connection with Chhauradano P.S. Case No. 45 of 2019 under Sections 302, 307, 323, 341 and 34 of the Indian Penal Code and section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for bail of the appellant was rejected.

Prosecution case in brief is that on 11.02.2019 at about 5.00 pm, while people were immersing the idol of goddess Saraswati where the son-in-law of the cousin of informant also reached, which was protested by the



processionists and he was abused by calling caste name. It is further alleged that all the FIR named accused persons including this petitioner assaulted him with fists and slaps and this petitioner also caught hold of the hair of son-in-law of the cousin of informant while other accused persons were assaulting him with fists and slaps.

It is submitted on behalf of the appellant that only allegation against this appellant is that he caught hold of the hair of deceased. Other co-accused who is alleged to have assaulted the deceased has already been granted bail by this Hon'ble Court vide order dated 17.09.2020 passed in Cr. Appeal (SJ) No. 1422 of 2020 vide annexure-2. No case under SC/ST Act is made out. It is further submitted that postmortem report of the deceased does not corroborate the allegation as alleged in the FIR. Appellant has got clean antecedent and is in custody since 23.09.2020. Chargesheet has already been submitted.

Considering the aforesaid facts and the fact that postmortem report does not corroborate the prosecution version, this appeal is allowed. The impugned order dated 09.11.2020 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), East Champaran, Motihari is set aside.



Let the appellant above-named, be enlarged 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 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), East Champaran in connection with Chhauradano P.S. Case No. 45 of 2019, subject to following conditions:-

(i) The appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

(Prabhat Kumar Singh, J)

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