

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1031 of 2021**

Arising Out of PS. Case No.-449 Year-2020 Thana- CHOUTARWA District- West
Champaran

SANJAY SAH, S/o Bhulayee Sah, Resident of Village- Padari, P.S.-
Chautarwa, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bimlesh Kumar Pandey
For the State	:	Mr. Binay Krishna
For the informant	:	Mr. Ashok Kumar Gupta

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

4 07-07-2021 Heard learned Counsel for the appellant, learned
Counsel for the informant and learned Special Public Prosecutor
for the State.

An order, dated 14.12.2020 passed by learned 1st
Additional Sessions Judge -cum- Special Judge, West
Champaran, at Bettiah, in B.P. No. 3127 of 2020, is under
challenge in the present appeal preferred under Section 14-A(2)
of the Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act, 1989, whereby the regular bail application of
the appellant in connection with Chautarwa Police Station Case
No. 449 of 2020, registered for the offences punishable under
Sections 147/148/149/341/307/323/302/504 of the Indian Penal
Code and Sections 3 (I) (r) (s)/3(2) (v) of the Scheduled Caste



and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The allegation, as per the First Information Report, is that the appellant, along with other accused persons, assaulted the father of the informant with fists and slaps and also by means of iron rod, due to which he died.

Learned Counsel appearing on behalf of the appellant submits that both the parties are neighbours and the appellant has falsely been implicated in this case with oblique motive. He further submits that the father of the informant has died his natural death due to cardiac arrest and in the post-mortem examination report, the doctor has not found any external/internal injury on the person of the deceased and the doctor has opined that the death has taken place due to cardiac arrest. He next submits that the statements of other victims, who were also assaulted by the appellant and other accused persons, were not recorded by the police in course of investigation, which creates doubt in the prosecution story.

On the other hand, learned Special Public Prosecutor and learned Counsel for the informant, referring to the case diary, submits that it is true that cause of death was due to cardiac arrest, but the doctor has also opined that death caused



by hard and blunt force. They further submit that it is true that the statements of the other injured, whose names have been mentioned in the First Information Report, have not been recorded by the police.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the appellant is in custody since 28.10.2020, the doctor has not found any external or internal injury on the person of the deceased and the statements of other injured, whose names have been mentioned in the First Information Report, have not been recorded by the police, I am inclined to grant regular bail to the appellant.

Accordingly, this appeal is allowed and the order, dated 14.12.2020, passed in B.P. No. 3127 of 2020, by learned 1st Additional Sessions Judge -cum- Special Judge, West Champaran, at Bettiah, is set aside.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, West Champaran, at Bettiah, in connection with Chautarwa Police Station Case No. 449 of 2020.



This is subject to the condition that the appellant shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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