

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1299 of 2021**

Arising Out of PS. Case No.-203 Year-2020 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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RANJEET SINGH @ VIVEK SINGH Son of Gajendra Singh Resident of
Village - Dharcholi, P.S. - Bhagwanpur, District - kaimur at Bhabua.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajani Kant Pandey, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-07-2021 Heard Mr. Rajani Kant Pandey, learned counsel
for the appellant and Mr. Sadanand Paswan, learned Spl.
PP for the State.

The appellant has challenged the order dated 21.12.2020 passed by the learned Additional District and Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Kaimur at Bhabua in A.B.P. No. 988 of 2020 arising out of Bhagawanpur P.S. Case No. 203 of 2020, whereby the prayer made on behalf of the appellant for grant of pre-arrest bail for the offences under Sections 279 and 304(A) of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (POA) Act has been rejected.

It has been alleged in the FIR that while the informant was going to Bank along with his wife and child, the appellant crossed past him on his tractor and



asked him to come aboard. The informant along with his wife and child sat on the tractor as gratuitous passengers. However, because of the negligent driving of the appellant, the son of the informant fell down. The entreaties of the informant to stop the vehicle was completely ignored by the appellant. The wife of the informant also fell down but the appellant callously drove his tractor over the body of the wife of the informant. During the course of treatment, the son and wife of the informant died.

Hence this case.

Learned counsel for the appellant has submitted that it is not a case of the appellant having trampled down the wife and son of the informant. They had boarded the tractor of the appellant of their own choice and it is quite unfortunate that they died because of the accident. It has also been urged on behalf of the appellant that it is a case of contributory negligence and nothing more.

Mr. Pandey, learned Advocate for the appellant has drawn the attention of this Court to the fact that stricken by a sense of remorse, the appellant had made all arrangements for the treatment of the daughter and the wife of the informant but unfortunately both of them succumbed to the injuries. The appellant had also



assured the informant that he shall be given compensation.

However, the present case has been lodged on the instigation of the local villagers who have definite axe to grind against the appellant.

Learned counsel for the appellant therefore has submitted that the accusation of the appellant having abused and thrown out the informant when he went to seek monetary assistance is incorrect. Had it been correct, the appellant would not have reimbursed the expenses incurred on the treatment of the deceased persons. The appellant had only been helpful in asking the informant and his family to sit on the tractor which was being driven by himself. There does not appear to be, it has been argued, any intention of the appellant to cause any harm to the family members of the informant and there also does not appear to be any act of negligence. It is highly surprising that the daughter and the wife of the informant fell down from the tractor while it was being driven by the appellant. It has therefore been urged that except for the offence under the SC/ST (Prevention of Atrocities) Act, all the offences under the IPC are bailable. It has therefore been argued that assuming every accusation in the FIR to be true, the mischief of the SC/ST (Prevention of Atrocities), Act



does not get attracted to the case.

For the aforestated reasons, the order dated 21.12.2020 is set aside.

The appeal stands allowed.

On the appellant surrendering before the court below within a period of eight weeks, he shall be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 1st-cum-Special Judge, SC/ST (Prevention of Atrocities), Act, Kaimur at Bhabua in A.B.P. No. 988 of 2020 arising out of Bhagawanpur P.S. Case No. 203 of 2020.

(Ashutosh Kumar, J)

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