

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1434 of 2021**

Arising Out of PS. Case No.-46 Year-2020 Thana- EKMA District- Saran

Sujit Gupta, Son of Raj Kumar Prasad, Village Fuchti Khurd, PS Ekma District Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anant Kumar Bhaskar

For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 08-04-2021 Heard learned counsel for the appellant, learned counsel for the informant and learned Special P.P. for the State through virtual court proceedings.

By way of this memo of appeal under Sections 14 (A) (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989) appellant seeks for setting aside the order dated 05.10.2020 passed by the 1st learned Additional Sessions Judge cum Special Judge (S.C./S.T. Act) Saran at Chapra, arising from Ekma P.S. Case No. 46/2020 registered under Sections 341, 323, 504, 324, 307 of the Indian Penal Code and Sections 3 (i)(r) (s), 2 (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 37 (c) of the Bihar Prohibition and Excise Act and later on Section 302 of the I.P.C. was also added.

Prosecution case is that as per FIR, it is alleged that



on 02.02.2020 when husband of the informant was returning to his house then the appellant started abusing him and also gave iron pipe blow on his head causing injury. During course of treatment he died.

Learned counsel for the appellant submits that the appellant is innocent and has committed no offence but has been falsely implicated in this case. He further submits that no occurrence has taken place as alleged by the prosecution and the police arbitrarily arrested the appellant and booked in this case. The appellant is in custody since 03.02.2020 and he has got no criminal antecedent.

Learned counsel for the informant submits that there is specific allegation against the appellant who assaulted with iron pipe on the head of injured due to which he died during course of treatment.

Learned Special P.P. for the State opposed the prayer for bail of the appellant.

Heard the parties, perused the records including the case diary in which witnesses has supported the prosecution case. In injury report, the doctor opined the cause of death as complication resulting from above noted injury caused by hard blunt object. As per case diary, the witnesses have been



examined vide para 5, 7 and 8 of the case diary.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, the prayer for bail of the appellant is rejected.

Accordingly, this appeal is dismissed.

However, the trial court is directed to conclude the trial within six months.

(Anjani Kumar Sharan, J)

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