

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 1692 of 2021
Arising Out of PS. Case No.-133 Year-2020 Thana- KEWATI District-
Darbhanga

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1. JEEVACHH @ JEEVACH SAHNI Son of Late Janak Sahni Resident of Village - Itharwa, P.S.- Keoti, District - Darbhanga.
 2. Kari Sahni Son of Late Janak Sahni Resident of Village - Itharwa, P.S.- Keoti, District - Darbhanga.
 3. Bechan Sahni Son of Jeevachh @ Jeevach Sahni Resident of Village - Itharwa, P.S.- Keoti, District - Darbhanga.
 4. Pappu Sahni @ Manoj Sahni Son of Jeevachh @ Jeevach Sahni Resident of Village - Itharwa, P.S.- Keoti, District - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr Jagjit Roshan, Advocate

For the Respondent/s : Ms Usha Kumari 1, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 31-05-2021

At the very outset, Mr Jagjit Roshan, Advocate, who has filed a fresh *vakalatnama* with *No Objection Certificate* from the earlier counsel Mr Rana Bhupendra Narayan Singh, submits that he will honour the undertaking given by the earlier counsel and the earlier counsel shall not be in any way responsible with the compliance of the undertaking.

2 This case has been listed today for consideration through Video Conferencing.

3 Heard learned counsel for the appellants and the learned Special PP for the State.



4 The appellants have preferred the present Appeal under Section 14 - A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act (for brevity, *SC/ST Act*) against the refusal of their prayer for regular bail vide order dated 21.10.2020 passed by Additional Sessions Judge I -cum- Special Judge, Darbhanga in a case registered under Sections 302, 201/34 of Indian Penal Code and Sections 3 (i) (r) (s), 3 (2) (v) of SC/ST Act in connection with Keoti Police Station (for brevity, *PS*) Case No 133 of 2020.

5 Informant's son had gone for fishing with three other friends. It is alleged that the instant appellants along with 10 – 11 other persons have reached the place and chased away the informant's son and his three friends. The three friends of the deceased managed to escape but the informant's son has been allegedly beaten to death.

6 Appellants' counsel submits that the informant is not a witness to the occurrence. The appellants are in jail since 21.09.2020 and have no criminal antecedent. The deceased had in fact died because he fell in the ditch. The theory of assault by 12 persons, as stated in the First Information Report (for brevity, *FIR*), is not corroborated by the post mortem report wherein only five minor abrasions have been found. Appellants bonafides is evident from the fact that they did not flee after the occurrence and have been arrested from home. Victim's dead body was found in a paddy field which does not belong to the instant appellants.

7 Learned Special PP for the State has appeared through Virtual Mode and opposed the prayer for bail.

8 In my opinion, in view of nature of accusation in the FIR, and submission of parties a case for grant of regular



bail is made out. The impugned order dated 21.10.2020 requires interference by this Court, which is, accordingly, set aside.

8 Considering the rival submissions, this appeal is allowed. Part of impugned order dated 21.10.2020 passed by Additional Sessions Judge I -cum- Special Judge, Darbhanga in connection with Keoti PS Case No 133 of 2020 (SC/ST GR No 177 of 2020) is set aside.

9 Let the appellants above named be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, Darbhanga in Keoti PS Case No 133 of 2020 (SC/ST GR No 177 of 2020) subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellants. The bailor will also undertake to inform the Court if there is any change in the address of the appellants.

(2) That the appellants will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.06.2021
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