

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.813 of 2020

Arising Out of PS. Case No.-69 Year-2019 Thana- PUNAURA District- Sitamarhi

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SANTOSH KUMAR PATEL @ SANTOSH PATEL S/o Shiva Patel R/o
village- Pamra, P.S.- Punaura, District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar Sinha, Adv.

For the Respondent/s : Mrs. Usha Kumari 1, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 07-04-2021 Heard both sides.

The appellant filed this appeal under Section 14(A) of the S.C./S.T. Act against the order dated 23.08.2019 passed by learned Special Judge, SC/ST Act, Sitamarhi by which the anticipatory bail of the appellant has been rejected in Punaura P.S. Case No.69 of 2019 registered under Sections 302 and 34 of the Indian Penal Code and under Section 3(1)(V)(V2) of the S.C./S.T. Act.

The informant, the son of the deceased, alleged that on 10.04.2019 while he along with his family members were sitting inside the house, the accused persons including the appellant came inside the house of the informant. They assaulted the informant and his father. The accused persons forcibly poured some liquid in the mouth of the father of the



informant. Thereafter the condition of the father of the informant started deteriorating. When the father of the informant was brought to hospital for treatment, he died during the course of treatment.

The learned counsel for the appellant submits that the entire story is false and concocted. No offence under S.C./S.T. Act is made out. The informant has illicit relation with the daughter of Pachu Patel. Rupan Baitha, the deceased, was asked to participate in panchayati along with his son. Rupan Baitha called his son but the son of the deceased did not participate in the panchayati. Disgracing with the behaviour of his son, Rupan Baitha himself took poison and died. The allegation of pouring poison in the mouth of Rupan Baitha is absolutely false and concocted but the learned counsel for the informant as well as learned Special P.P. submit that the accused persons are alleged to have forcibly put poisonous substance in the mouth of the deceased and the deceased died during the course of treatment. Section 18 of the S.C./S.T. Act bars the application of anticipatory bail and, therefore, this petition for grant of anticipatory bail is not maintainable.

Having considered the submissions of both sides and on perusal of the record, it appears that the informant made



specific allegation against the appellant and others that they entered into his house, assaulted the informant and his father and thereafter the accused persons put some poisonous liquid in the mouth of his father. The condition of his father started deteriorating and he died during the course of treatment. Almost all the witnesses have reiterated the same facts. Only two witnesses, who are villagers, in para 19, 20 and 21 disclosed that the deceased himself consumed poison after having disgraced with the behaviour of his son but there is no such material to show that the deceased himself consumed poison rather there is ample material in the case diary that the appellant and others assaulted the deceased and his son and put forcibly poison in the mouth of the deceased. It is said that informant is not in the house but there are sufficient materials to show that the appellant and other accused persons forcibly put poison in the mouth of the deceased and consequently the deceased died during the course of treatment.

Therefore, I find that the appellant does not deserve anticipatory bail. Accordingly, the appeal is dismissed.

(Prabhat Kumar Jha, J)

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