

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1685 of 2020

Arising Out of PS. Case No.-29 Year-2020 Thana- MIRGANJ District- Gopalganj

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JAGARNATH SINGH @ JAGRANATH SINGH @ JAGRAYNATH SINGH
S/o Late Jamuna Singh Resident of Village-Chhap Mathiya, P.S.-Mirganj,
District-Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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with

CRIMINAL APPEAL (SJ) No. 1735 of 2020

Arising Out of PS. Case No.-29 Year-2020 Thana- MIRGANJ District- Gopalganj

- =====
1. BRIJ KISHORE SINGH
 2. Chun Chun Singh both Sons of Jagarnath Singh R/o Village- Chhap Mathiya, P.S.- Mirganj, District- Gopalganj.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 1685 of 2020)

For the Appellant/s : Mr.Gajendra Kumar Singh

For the Respondent/s : Mr.A.G.

(In CRIMINAL APPEAL (SJ) No. 1735 of 2020)

For the Appellant/s : Mr.Gajendra Kumar Singh

For the Respondent/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-01-2021 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the



'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 05.03.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Gopalganj in connection with Mirganj P.S. Case No. 29 of 2020 registered under Sections 302, 120B/34 of the Indian Penal Code and Sections 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case is that one Raj Kishore Singh went to house of the informant and took away her husband for giving his wages. After sometime, Chunchun Singh and Braj Kishore Singh went to her house and asked where about of her husband. She said that he was not in her house. After sometime, some persons went to her house and told that her husband was lying unconscious by the side of road near Khargi turning. She went there and found her husband unconscious and after sometime her husband died. She expressed her believe that the aforesaid all persons killed her husband under conspiracy and threw his body by the side of the road.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case. He submits that there is no specific allegation against the appellants. He submits that according to the postmortem



report, no external or internal injury was found on the deceased Suman Ram. The doctor found perforated duodenal ulcer, alcohol live substance. Liver was found eihdarged with ciurhosis. The cause of death has been said internal bleeding and shock due to perforated duodenal ulcer and liver disease. He submits that Suman Ram (deceased) was alive in unconscious condition when his body was brought to the house of the informant instead of taking him to the nearest hospital. He further submits that appellants bear no criminal antecedent as stated in para-3 of this petition.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Gopalganj in connection with Mirganj P.S. Case No. 29 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



Accordingly, the impugned order is set aside and
this appeal is allowed.

(Anjani Kumar Sharan, J)

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