

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2027 of 2020**

Arising Out of PS. Case No.-138 Year-2020 Thana- NAANPUR District- Sitamarhi

Jasim Ahmad @ Jasim Ahman, Son of Talewar Sah @ Talobar Sah, Resident
of Village- Singha Chauri, Fakir Takiya, P.S. Nanpur, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pushpendra Kumar Singh, Advocate.
For the Respondent/s : Mr. Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 22-02-2021 As prayed for, let the learned counsel appearing for
the appellant remove the defect(s), as pointed out by the office,
within four weeks of starting of the Court proceeding in
physical mode.

Heard learned counsel for the appellant and the
learned Additional Public Prosecutor appearing for the State.

This appeal, under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989, is directed against the order dated 19.08.2020 passed in
Nanpur P.S. Case No. 138 of 2020, registered under sections
147, 148, 149, 323, 324, 325, 307, 354 and 504 of the Indian
Penal Code and Sections 3(i)(x)(s)(w)(i)/3(ii)(v) of the
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act and later on, Section 302 of the Indian Penal Code has been added, whereby and whereunder the learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST Act), Sitamarhi, rejected the prayer for grant of bail of the appellant.

The prosecution case, in brief, is that on 07.05.2020, at about 3.30 P.M., informant, Siya Devi reached at her field then saw that one she-goat of Md. Safique was grazing the crops, on which, informant, Siya Devi, asked to Md. Safique to remove the she-goat and keep proper watch. Thereafter, Md. Safique become annoyed and started to abuse then she caught hold the she-goat of Md. Sfique and started to take the she-goat at the house of Mukhiya Ji but Md. Safique started to scuffle with her. On raising Hullah, Samsheer Shah, Tanveer Shah and Badre Alam Shah came having lathi, Fattah and stick in their hands and caused injury to Bharat Das, who reached there to save the informant. Thereafter, 15 persons including the appellant of Village Takiya came and started to cause assault to Shivdayal Das, Ajay Das, Manju Devi, Raju Chopal, Geeta Devi, Maharaj Das, Buawan Das, Krishna Das and Shiv Kumar Das. The injured, Bharat Das was rushed at D.M.C.H, from where, he was referred to PMCH, Patna but Bharat Das died in course of treatment.



Learned counsel for the appellant submits that it would appear from the FIR that Samsheer Shah, Tanveer Shah and Badre Alam Shah are the assailants of the deceased, Bharat Das and no specific overt act has been attributed against the appellant. It is further submitted that while it is alleged that 15 persons including the appellant caused injury to Shivdayal Das, Ajay Das, Manju Devi, Raju Chopal, Geeta Devi, Maharaj Das, Buawan Das, Krishna Das and Shiv Kumar Das, who rushed to save the informant, but there is no any injury report with respect to them. It is further submitted that due to dirty village politics, appellant has falsely been implicated in the present case. Further submission is that appellant has no criminal antecedent and is in custody since 10.05.2020.

On the other hand, learned counsel appearing for the informant while opposed the prayer for bail of the appellant but he fairly conceded that there is no any injury report of other injured except deceased, Bharat Das.

Having considered the facts and circumstances of the case, the impugned order is set aside and this appeal is allowed. Let the appellant, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the Ist Additional Sessions Judge-cum-Special Judge, (SC & ST Act), Sitamarhi, in connection with Nanpur P.S. Case No. 138 of 2020. Out of two sureties, one surety must be the close relative of the appellant.

(Rajendra Kumar Mishra, J)

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