

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.383 of 2021

Arising Out of PS. Case No.-70 Year-2020 Thana- SANGRAMPUR District- East
Champaran

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Rajdeo Ram Son of Late Dwarika Ram Resident of Village- Uttari
Madhubani, Sukhalehiya Tola, P.S.- Sangrampur, Distt- East Champaran.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s	:	Mr. Anuj Kumar, Advocate
For the State	:	Mr. Binay Krishna Spl. PP
For the informant	:	Mr. Kundan Rathore, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 15-03-2021

Heard learned counsel for appellant, informant and
learned Spl. PP for the State.

2. Learned counsel for the appellant is expected to
honour his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so.

3. The appellant has preferred the present appeal under
Section 14A(2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 against the refusal of prayer
for regular bail vide order dated 08.09.2020, passed by learned
Additional District and Sessions Judge-1st-cum- Special Judge
SC/ST East Champaran at Motihari, in Sangrampur PS Case No
70 of 2020 registered under Section 302/34 of the Indian Penal
Code and Sections 3(2)(v) of the SC/ST Act.

4. The allegation is that the informant's husband was
stabbed to death by co-accused, namely, Vinod Ram and Harendra
Yadav. While the appellant is said to be holding the hand of the



victim. The appellant is in custody since 12.04.2020. The appellant had earlier implicated the deceased in Sangrampur PS Case No 51 of 2010, wrongly written as Sangrampur PS Case No 51 of 2020 due to typographical error in paragraph no.9 of the appeal. In background of the earlier implication due to some dispute relating to finances, the appellant has been named as one holding the hand of the victim. Even as per allegations, there is no assault attributed against the appellant.

5. The learned counsel for the informant as well as learned Spl. PP for the State have opposed the prayer for bail. It is submitted that the co-accused persons, against whom, there is allegation of stabbing the victim, have been disallowed the prayer for bail.

6. Considering the rival submissions, this appeal is allowed. The impugned order dated 08.09.2020 passed by learned Additional District and Sessions Judge -1st -cum- Special Judge SC/ST East Champaran at Motihari, in Sangrampur PS Case No. 70 of 2020, is set aside. Let the appellant, above named, 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 learned Additional District and Sessions Judge -1st -cum- Special Judge SC/ST East Champaran at Motihari, in connection with Sangrampur PS Case No. 70 of 2020, subject to the following conditions:-

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



(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.03.2021
Transmission Date	15.03.2021

