

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 388 of 2021**

Arising Out of PS. Case No.-75 Year-2019 Thana- AURAI District- Muzaffarpur

RAMCHANDRA SAH S/o Late Jailal Shah Resident of Village- Mahrauli,
P.S.- Aurai, Distt- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr Ajay Kumar Thakur, Ms Vaishnavi Singh, Advocates
For the Respondent/s	:	Mr Bipin Chandra, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 19-03-2021

Heard learned counsel for the appellant and the learned
Special PP for the State.

2 The appellant has preferred the present Appeal under
Section 14 A (2) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Amendment Act, 2015 (for brevity,
SC/ST Act) against the refusal of his prayer for regular bail vide
order dated 20.10.2020 passed by Additional Sessions Judge III
-cum- Special Judge, SC/ST Act, Muzaffarpur in a case initially
registered under Sections 341, 323, 307, 504 of Indian Penal Code
(for brevity, *IPC*) but subsequently added with Section 302 of IPC
and Sections 3 (i) (x) of SC/ST Act in connection with Aurai



Police Station (for brevity, *PS*) Case No 75 of 2019 dated 20.03.2019.

3 The prosecution case being that informant's husband has been abused by caste name and assaulted by a "*lota*" and on account of such beating, he has been treated at Patna Medical College Hospital and at a private hospital. Subsequently, the husband of the informant has succumbed to his injuries.

4 Appellant's counsel submits that from perusal of the post mortem report, it is apparent that no injury corroborating the allegation has been found nor the prescriptions support such injuries, as alleged. In the case diary also, the post mortem report belies the prosecution case as there is injury caused by sharp cutting weapon like knife was found. There is no such allegation of assault by knife. The informant specifically alleged assault by "*lota*". There is sufficient basis for the appellant's false implication as there is old enmity between the parties. The occurrence has allegedly taken place on 05.03.2019 but First Information Report has been lodged on 20.03.2019, nearly 15 days later which also indicates falsity of the allegation.

5 In my opinion, a case for grant of regular bail is made out. The impugned order dated 20.10.2020 requires interference by this Court, which is, accordingly, set aside.



6 Learned Special PP for the State has opposed the prayer for bail. He has submitted that there is specific allegation of assault attributed against the appellant which has led to the death of informant's husband. However, from the injury report, he is not in a position to point out any corroborating injury caused by *lota*.

7 Considering the rival submissions, this appeal is allowed. The impugned order dated 20.10.2020 passed by Additional Sessions Judge III -cum- Special Judge, SC/ST Act, Muzaffarpur in connection with Aurai PS Case No 75 of 2019 dated 20.03.2019 is set aside.

8 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge III -cum- Special Judge, SC/ST Act, Muzaffarpur in Aurai PS Case No 75 of 2019 dated 20.03.2019 subject to the following conditions:

(1) 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.



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

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.03.2021
Transmission Date	22.03.2021

