

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.597 of 2021

Arising Out of PS. Case No.-351 Year-2020 Thana- TURKAULIYA District- East
Champaran

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NAWAL RAY S/O LATE BINDA RAY R/O VILLAGE-CHAILAHA BABU
TOLA, P.S-BANJARIYA, DISTRICT-EAST CHAMPARAN AT
MOTIHARI.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Binay Kumar

For the Respondent/s : Mrs.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 23-07-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual mode.

This is an appeal under section 14 (A) 2 of the Scheduled
Caste and Scheduled Tribes (Prevention of Atrocities)
amendment Act 2015 (hereinafter in short referred to as the
‘SC/ST Act’) against the refusal of prayer for bail vide order
dated 21.09.2020 passed by learned 1st Additional Sessions
Judge-cum-Special Judge SC/ST, East Champaran at Motihari
in connection with Turkauliya (Banjariya) P.S. Case No.351 of
2020 registered under sections 302, 328, 120(B)/34 of the IPC
and section 3(2)(v) of SC/ST Act.

The allegation against the appellant is that he took father
of the informant and his friend to the house of Ranjeet Ray and



Chandrakishore Ray where they have been poisoned through food, as a result of which, both of them have died.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case due to previous village enmity. The allegation levelled against the appellant is false and concocted. There is no allegation of assault or abuse by the appellant. Father of the informant died because of drinking wine. By filing supplementary affidavit in this case, it is further submitted that similarly situated co-accused Nandkishor Rai and Ranjeet Rai have been released on bail vide order dated 03.05.2021 passed in Cr. Appeal (SJ) No.48 of 2021 and one Chandra Kishore Rai @ Chand Kishore Rai has been granted bail vide order dated 22.06.2021 passed in Cr. Appeal (SJ) No.739 of 2021 by co-ordinate Benches of this court. It is further submitted that it is clear from the fardbeyan itself that the appellant has not given poison to the deceased but only has taken him to his house. The appellant has no criminal antecedent and has been languishing in custody since 18.06.2020.

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

Considering the facts and circumstances of this case including the period of custody of more than one year and that



similarly situated co-accused have been granted bail, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, SC/ST, East Champaran at Motihari, in connection with Turkauliya (Banjariya) P.S. Case No.351 of 2020.

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

(Anjani Kumar Sharan, J)

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