

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.655 of 2021**

Arising Out of PS. Case No.-407 Year-2020 Thana- BAGHA District- West Champaran

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BECHU RAM @ VECHU RAM S/o Late Seetaram Ram Resident of Village
- Sojhighat bankatwa, P.S. - Bagaha, District - West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Adv Mr. Udbhav, Adv.
For the Respondent/s	:	Mrs. Usha Kumari, SPP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 04-05-2021 Heard Mr. Ajay Kumar Thakur, learned counsel for

the appellant, Mrs. Usha Kumari learned Special Public

Prosecutor through video conferencing.

The present appeal is directed against order dated
13.10.2020 passed by learned 1st Additional Sessions Judge-
cum-Special Judge, (SC/ST) Act, Bettiah, West Champaran in
connection with Bagaha PS Case No. 407/2020 for the offence
registered under Sections 147, 149, 341, 323, 324, 307, 302 IPC
and Section 3(i) (r) (s)/ 3(2)v(a) of the SC/ST (Prevention of
Atrocities) Act, by which regular bail application of the
appellant has been rejected.

The allegation, as per FIR, is that the appellant along
with 11 named accused persons assaulted the husband of the



informant and it has further been alleged that one Girijesh Choudhary assaulted her husband with *Taangi* due to which, he received head injury and subsequently, died.

Learned counsel for the appellant submits that appellant has falsely been implicated in this case due to village politics and no offence under Section SC/ST (Prevention of Atrocities) Act is made out against the appellant inasmuch as he himself belongs to the SC/ST community. Learned counsel next submits that from perusal of the FIR, it would be evident that the allegation against the appellant is general and omnibus in nature along with other accused persons and there is a specific allegation of assault on the head of the informant's husband is against co-accused, Girijesh Choudhary. Learned counsel next submits that the inquest report of the deceased was prepared on 14.07.2020 at 6:00 AM in the morning, in which son of the appellant was made a witness but the name of the appellant was not disclosed at that point of time. However, after delay of about three hours, the *Fardbeyan* was given by the wife of the deceased at about 9:15 AM in the morning falsely implicating the appellant in the present case.

Learned counsel next submits that during course of investigation, no cogent material has come against the appellant



in order to connect him with the present offence.

Having regard to the submissions made by the parties and taking into consideration the material and the fact that the allegation against the appellant is general and omnibus in nature and, specific allegation of assault on the head of the deceased leading to his death, is against co-accused, Girijesh Choudhary, I am inclined to grant regular bail to the appellant. Accordingly, the order dated 13.10.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge, (SC/ST) Act, Bettiah, West Champaran, is set aside.

Let the appellant, BECHU RAM @ VECHU RAM, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, (SC/ST) Act, Bettiah, West Champaran in connection with Bagaha PS Case No. 407/2020.

It is made clear that while furnishing bail bond, the parties must follow the covid protocol like physical/social distancing and sporting mask.

(Anil Kumar Sinha, J)

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