

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.395 of 2022

Arising Out of PS. Case No.-4 Year-2020 Thana- HARINMAR District- Munger

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Suman Kumar Singh @ Suman Singh Son Of Mahesh Singh R/O Village-
Raita, P.S.- Harinmar, District- Munger

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Pinki Devi Wife of Devendra Paswan Resident of Arshaiya,P.S-
Harinmar,District-Munger

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Arvind Kumar Singh, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.P.P.
For the Respondent no. 2;	:	Mr. Surya Narayan Sah, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-09-2022 Learned counsel for the Appellant is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Arvind Kumar Singh, learned counsel for
the Appellant, Mr. Surya Narayan Sah, learned counsel for the
respondent no. 2 as well as learned Special Public Prosecutor
for the State.

This is an appeal under Section 14 A (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for bail vide order dated
23.06.2021 passed by the learned Special Judge (SC/ST Act)



cum Additional Sessions Judge 1st Munger in connection with Harinmar P. S. Case No. 04 of 2020 registered for the offences punishable under Sections 302 read with 34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case is based on a written report filed by the respondent no. 2 alleging therein that while the respondent no. 2 with her husband and other family members went to see arson and when they were returning, in the meantime, all the F.I.R. named accused persons including the petitioner surrounded them and started abusing by taking their caste name and when it was protested by her husband, he was done to death by them.

Learned counsel appearing on behalf of the Appellant submitted that from the tenor of the F.I.R. It is evident that general and omnibus allegation has been levelled against five accused persons, however, the post mortem report suggests only one injury over the head of the deceased, which does not corroborate the prosecution case. It is next submitted that after lodging the F.I.R., exaggeration has been made and the witnesses, who are non-else but the family members claiming themselves to be eye-witness to the alleged occurrence, have



stated that it is the appellant, who has caused the fatal blow over the head of the deceased. It is further submitted that the prosecution case does not inspire confidence that all the family members went to see the arson in the village and further, from the post mortem report, it appears that the injury was not so grievous that the deceased died instantaneously. While concluding the submissions, he further submits that during the course of investigation, it has come that there was an old animosity on account of some land dispute and due to which the name of the appellant has been implicated in this case. It is last submitted that the appellant having a man of fair antecedent, is in custody since 26.01.2021.

On the other hand, learned counsel for respondent no. 2 as well as learned Special Public Prosecutor for the State vehemently opposed the prayer for bail and submits that from the tenor of the F.I.R., it is evident that the family members were present at the time of the alleged occurrence and they have categorically stated that it is the appellant, who had given fatal blow to the deceased.

Regard being had to the materials available on record and taking into account the specific nature of accusation, this court is not persuaded to enlarge the petitioner on bail for



present.

Accordingly, the present appeal stands dismissed.

It is expected that the learned trial court will take all necessary measures to expedite and conclude the trial as early as possible, however, if there would not be any substantive improvement, the appellant would be at liberty to renew his prayer for bail after five months.

(Harish Kumar, J)

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