

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1711 of 2022**

Arising Out of PS. Case No.-311 Year-2021 Thana- FATEHPUR District- Gaya

Raj Kumar Sao @ Raj Kumar Saw, IS/o Shivilal Saw Resident of Village-
Parwaldih, P.S.- Fatehpur, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lacho Devi W/o Late Rajesh Manjhi Resident of Village- Ambadkar Nagar,
Ward No.12 Under Jagarnath Panchayat, P.S.- Fatehpur, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Atul Shankar, Advocate Mr. Sambhawi Raj, Advocate Mr. Rajesh Ranjan, Advocate
For the Respondent/s	:	Mr.Usha Kumari 1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 22-09-2022

Heard learned counsel for the appellant and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail vide
order dated 26.04.2022 passed by the learned Special Judge
SC/ST (POA)Act, Gaya in connection with I.A. No. 01 of 2022
arising out of Fatehpur P.S. Case No. 311 of 2021 registered for



the alleged offences under Sections 302 and 34 of the Indian Penal Code and Sections 3(i) (r) (s)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As per prosecution case, the informant alleged that the appellant and other co-accused persons called out her husband on pretext of having meal with them and after killing him threw the dead body in river.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case merely on suspicion. The informant is not an eye witness and the appellant has not called out the deceased for a dinner. Even during investigation, nothing came up against the appellant showing his involvement in the alleged occurrence in any manner. The post mortem report shows death was caused due to cardiac arrest but the final report was reserved for report of the viscera examination. But, even in the chemical examination of viscera, no metallic, alkaloidal, glycosidal, pesticidal or volatile poison could be detected. After realising her mistake, informant filed a petition before the learned trial court where she stated that death of her husband was caused by drowning in the river while he was taking a bath. Charge sheet has been



submitted in this case and the appellant is in custody since 01.04.2022.

Learned Special Public Prosecutor for the State opposes the prayer for bail of the appellant.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the distinct lack of material to connect the appellant with the alleged offence, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST(POA) Act, Gaya in connection with Fathepur P.S. Case No. 311 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the



appellant will be liable to be cancelled
by the court concerned.

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

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.09.2022
Transmission Date	26.09.2022

