

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2272 of 2022

Arising Out of PS. Case No.-81 Year-2019 Thana- BABUBARHI District- Madhubani

BUDHESHWAR DAS Son of Late Damodar Das Resident of Village-
Ramnipatti, P.S.- Babubarhi, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Rambabu Das Jugut Lal Das R/O Village-Ramnipatti, P.S.-Babubarhi,
District-Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Murari Narain Chaudhary
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 09-11-2022 Heard learned Counsel for the appellant and learned
Additional Public Prosecutor for the State. No one appears on
behalf of the Opposite Party No. 2.

Earlier, notice was issued to the Opposite Party No. 2,
which was received by the wife of Opposite Party No. 2 and a
jointness affidavit has been filed by the appellant in this behalf
showing jointness of Opposite Party No. 2 with his wife.

An order, dated 04.11.2020 passed by learned 1st
Additional Sessions Judge -cum- Special Judge, Madhubani, in
connection with G. R. No. 52 of 2019 (Babubarhi Police Station
Case No. 81 of 2019), is under challenge in the present appeal
preferred under Section 14-A(2) of the Scheduled Caste and



Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the regular bail application of the appellant in connection with Babubarhi Police Station Case No. 52 of 2019 registered for the offences punishable under Sections 302/201 of the Indian Penal Code and Section 3 (2) (va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

This is the second attempt on behalf of the appellant for grant of regular bail. Earlier, the prayer for regular bail of the appellant was rejected by this Court, vide order, dated 12.01.2021, passed in Criminal Appeal (SJ) No. 1696 of 2020.

The prosecution case, as per the First Information Report, is that on 12.04.2019, when the informant and his family members including the deceased after seeing Chaiti Durga fair, returned home and slept in the house and on 13.04.2019 in the morning when the informant woke up, he did not find his daughter in the home. On search, the informant found the dead body of his daughter who was having six injuries caused by bricks.

Learned Counsel appearing on behalf of the appellant submits that the appellant is not named in the First Information Report and his name has transpired on the basis of the statement



of the wife of the informant that the appellant was having dispute with the family of the informant. He next submits that the appellant is in custody since 24.12.2019, having no criminal antecedent. He further submits that since the date of last rejection, no prosecution witness has been examined during the trial.

This Court, vide order, dated 10.08.2022, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned 1st Additional Sessions Judge -cum- Special Judge, Madhubani, and from perusal of the same, it appears that no chargesheet witness has been examined during the trial and only charges have been framed against the appellant on 15.11.2021.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the appellant is in custody since 24.12.2019, having no criminal antecedent, the trial has not made any substantial progress since the date of last rejection of the prayer for bail of the appellant and this is second attempt for grant of regular bail on behalf of the appellant, I am inclined to grant regular bail to the appellant.



Accordingly, this appeal is allowed and the order, dated 04.11.2020 passed by learned 1st Additional Sessions Judge -cum- Special Judge, Madhubani, in connection with G. R. No. 52 of 2019 (Babubarhi Police Station Case No. 81 of 2019), is set aside.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, Madhubani, in connection with Babubarhi Police Station Case No. 81 of 2019.

This is subject to the condition that the appellant shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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