

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4587 of 2021

Arising Out of PS. Case No.-166 Year-2020 Thana- CHANDI District- Bhojpur

UPENDRA SINGH @ BHOJPURIYA Son of late Satya Narayan Singh
Resident of Village - Bhairo Tola, P.s.- Chandi, Distt.- Bhojpur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Tetari Devi Late Binda Ram Resident of village-Rupchakiya Musahari,P.S-
Chandi,District-Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar Pathak, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 05-05-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. Vide order dated
03.02.2022, notice was directed to be issued upon the
respondent no.2 and as per office notes, it has been validly
served but there is no representation on her behalf.

Learned counsel for the appellant undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within
stipulated period, office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act
(hereinafter in short referred to as the 'SC/ST Act') against the



refusal of prayer for bail vide order dated 28.10.2021, passed by learned 1st Additional District & Sessions Judge -cum- Special Judge (SC/ST) Act, Bhojpur, Ara, in connection with Chandi P.S. Case No.166 of 2020, registered under sections 302/201/34 of the IPC and sections 3(i)(r)(s), 3(2)(va) of the SC/ST Act.

Allegedly, the husband of the informant has been killed by the appellant by flowing electric current in the wire surrounding the field where the informant's husband used to go for breaking woods and thereafter the dead body has been disposed of.

It is submitted by learned counsel for the appellant that no such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. After investigation the police has submitted charge sheet u/s 304 of the IPC and SC/ST Act. The post-mortem report of the deceased shows that the cause of death was Electric engine leading to ventricular, fibrillation, heart failure and death due to high voltage of electric current. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The appellant has been



languishing in custody since 24.09.2021 and has no antecedent.

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

In the facts and circumstance of the case, considering that the cause of death is due to electric current, 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) Act, Bhojpur, Ara, in connection with Chandi P.S. Case No.166 of 2020.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

