

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.373 of 2023**

Arising Out of PS. Case No.-249 Year-2021 Thana- KANTI District- Muzaffarpur

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DHIRAJ KUMAR SINGH @ CHINTU SINGH S/o Late Ram Naresh Singh
R/v- Suratpur, (Panapur Kariyat), P.S.- Kanti, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. PRAMILA DEVI W/o Late Shivnath Thakur R/v- Suratpur, (Panapur Kariyat), P.S.- Kanti, District- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Udbhav,Advocate

For the Respondent/s : Mr.Binay Krishna,Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 22-09-2023 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 17.11.2022 passed by the learned Additional District and Sessions Judge -I-cum-Special Judge SC/ST Act, Muzaffarpur in Kanti P.S. Case No.249 of 2021, F.I.R. dated 28.03.2021 registered under Sections 147, 148, 149, 447, 341, 323, 337, 338, 354, 302, 504, 506 of the Indian Penal Code and Section 3(1)(r) (s) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

3. The prosecution case, in short, is that the feast was organized in the evening on 27.03.2021 and garbage of feast was getting thrown in front of informant's house and when the informant restrained, all the accused persons including the appellant lashed with brick bats came and started to assault the husband of informant as well as abused by caste words. Appellant repeatedly attacked by brick on the chest of Shivraj Thakur. They also entered her house and assaulted the family members of the informant and during the course of marpit, her husband has died due to asphyxia.

4. Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that the allegation against the appellant is that he assaulted with bricks to the deceased but the postmortem report of the deceased does not support the allegation as alleged in the FIR and the appellant is in custody since 21.10.2022.

5. Learned Spl. P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for bail of the



appellant and submits that the postmortem report of the deceased suggests that he has received the injury in his chest and result of the postmortem report is that “on opening the skull cavity- Haematomma was present in the left parietal region. Opinion-The deceased died due to haemorrhage, coma and shock due to injury mentioned in the report. Injury was caused by hard and blunt object.”

6. Vide order dated 11.08.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 08.09.2023 reveals that out of 17 chargesheet witnesses only four witnesses have been examined till date.

7. Learned counsel for the appellant submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the appellant is in custody since 21.10.2022.

8. Considering the aforesaid facts, report of the learned Trial Court, nature of allegation and appellant has clean antecedent, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I-cum-Special



Judge SC/ST Act, Muzaffarpur in connection with Kanti P.S.

Case No.249 of 2021, with the following conditions:-

(I) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

Nitesh/-

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