

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.451 of 2023

Arising Out of PS. Case No.-438 Year-2022 Thana- SHERGHATI District- Gaya

CHHOTU YADAV @ SURENDRA KUMAR YADAV Son of Sri Kameshwar
Yadav, R/V- Karma, P.S- Dobhi, Dist- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Lalmuni Manjhi Son of Late Rameshwar Manjhi, R/o Karhara, PS-Dobhi,
Dist- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Satya Veer
For the Respondent/s	:	Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

- 3 16-05-2023 Heard Mr. Krishna Prasad Singh, the learned Senior
counsel for the appellant as well as the learned Special Public
Prosecutor for the State.

This appeal has been preferred on behalf of the appellant under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 15.12.2022 passed by the learned Exclusive Special Judge, SC/ST Gaya in connection with Sherghati P.S. Case No. 438 of 2022, arising out of Sherghati (Dobhi) P.S. Case No. 438 of 2022, registered for offence punishable under section 302 of the Indian Penal Code and section 3(2)(v) of the SC/ST Act, whereby the prayer for bail of the appellant has been rejected.



The informant is husband of the deceased, who died due to burn injury.

It has been alleged in the *Fardbeyan* that the deceased had taken an amount of Rs. 60,000/- (sixty thousand) on credit from the appellant. When the appellant demanded the aforesaid amount, some altercation took place and the appellant sprinkled petrol after taking it out from his motor-cycle tank and set the deceased on fire.

The learned Senior counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case by the husband of the deceased since the appellant had credited Rs.60,000/- (sixty thousand) to the deceased and she refused to pay that money. He has submitted further that the entries in formal FIR show that the occurrence had taken place on 21.05.2021, but in paragraph no. 73 of the case diary it has been mentioned that she (deceased) was admitted in hospital on 20.05.2022 at 9:56 P.M., which shows that she died on 20.05.2022 and for some ulterior motive, the appellant has been implicated in this case. He has also submitted that the occurrence is alleged to have taken place on 21.05.2022, but the FIR was lodged on 01.06.2022. After her initial treatment in Anugrah Narayan Magadh Medical College and Hospital, Gaya, she was shifted to A.B.N. Hospital Ghughari Tand, Bypass More, Gaya. The



statement of the Nurse of that hospital has been recorded in paragraph no. 37 of the case diary in which she has stated that when she asked the patient about the occurrence, she apprised her that she had been injured by a burning *Dhivri* as a hen jumped on that *Dhivri*, which fell on her and due to that she got burnt.

The appellant has no criminal antecedent and he is under custody since 03.08.2022.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 15.12.2022 is set aside.

Accordingly, the appellant, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Gaya in connection with Sherghati P.S. Case No. 438 of 2022, arising out of Sherghati (Dobhi) P.S. Case No. 438 of 2022, subject to the following conditions:-

“The appellant shall remain present physically before the court below on each and every date till framing of the charge and his failure to physical appearance shall lead to cancellation of his bail bond.”

(Nawneet Kumar Pandey, J)

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