

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2635 of 2023**

Arising Out of PS. Case No.-250 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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RAM BILAS SINGH @ DR. R.B. SINGH S/O LATE SHUKHDEO
PRASAD SINGH R/O Mohalla. Sahjanand Nagar, Ward No. 40, PS.
Begusarai, Dist. Begusarai

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. KAUSHALYA DEVI W/O SIKANDAR RAM R/O Village. Hasanpur
Bagar, PS. Navkothi, Dist. Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Umesh Kumar Sharma, Advocate
For the OP No. 2	:	Mr. Deepak Kumar, Advocate
		Mr. Kamal Kishor Kumar, Advocate
		Mr. Ajay Kumar Prasad, Advocate
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 15-12-2023 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the rejection of prayer for anticipatory
bail vide order dated 17.05.2023 passed by the learned
Exclusive Special Judge, SC/ST (POA) Act, Begusarai in A.B.P.
No. 954 of 2023 arising out of Cheria Bariyarpur P.S. Case No.
250 of 2022 dated 24.09.2022 registered for the offence/s



punishable u/ss 304 and 120B read with section 34 of the Indian Penal Code and 3(1)(r)(s) 3 (2-va) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant and the co-accused person are alleged to have involved in conducting the delivery operation without the consent of the informant due to that his daughter-in-law along with her new born baby died and thereafter the appellant sent the dead body through ambulance. Thereafter the appellant demanded Rs. 20,000/- for the said operation but the informant denied then one Amardeep abused him and his family members by calling their caste name.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the said operation has not been conducted by the appellant. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. The said word is not laced with the casteist remark. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no specific caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has no



criminal antecedent as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 17.05.2023 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in A.B.P. No. 954 of 2023 arising out of Cheria Bariyarpur P.S. Case No. 250 of 2022, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in A.B.P. No. 954 of 2023 arising out of Cheria Bariyarpur P.S. Case No. 250 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date,



failing which on two consecutive dates without reasonable
cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

guddukr/-

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