

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.388 of 2024

Arising Out of PS. Case No.-74 Year-2023 Thana- SC/ST District- Madhubani

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1. Bhajan Singh S/O Dev Narayan Singh VILLAGE- JOGIA, PS. LADANIYA, DIST. MADHUBANI.
 2. BIRCHHA SINGH @ RAMBRIKSHA SINGH S/O RAMDEO SINGH VILLAGE- JOGIA, PS. LADANIA, DIST. MADHUBANI.

... .. Appellant/s

Versus

1. The State of Bihar
2. PRADEEP SADAY S/O RAM SUMAR SADAY Resident of VILLAGE- JOGIA, PS. LADANIYA, DIST. MADHUBANI.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shashank Chouhan, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl.P.P.
		Mr. Bhavesh Kumar Sah, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-03-2024 1. Heard learned counsel for the appellants, learned Spl.P.P. for the State and learned counsel appearing on behalf of the respondent no. 2.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 12.12.2023 in A.B.P. No. 2278 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in connection with Madhubani Jainagar SC/ST P.S. Case No. 74 of 2023 registered under Sections 341, 323, 504, 302 and 201 of the Indian Penal Code as well as Sections 3(i)(r)



(w)/3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellant no. 1 has antecedent of one case and appellant no. 2 is a person with clean antecedent and have been falsely implicated in the present case by the respondent no. 2 based on suspicion. It is further submitted that no doubt the son of the respondent no. 2 was killed but whether he was killed by the appellants or not, is a subject of investigation. It is next submitted that in the nature of allegation as alleged in the FIR, it does not appear probable that the appellants would have committed the occurrence of killing the son of the respondent no. 2. It is submitted that the respondent no. 2 alleges that his son had plucked cucumber from the field of the appellants for which he was threatened and beaten. It is next alleged that on 25.06.2023 at about 10:00 a.m. the son of the respondent no. 2 went towards the field of the accused along with Manish Saday and Anand Saday but did not return and when the respondent no. 2 went to the house of the accused for inquiry on which the appellant no. 1 told the respondent no. 2 to go and see near the side of the road, accordingly, he went to the place of occurrence where the dead body of his son was lying.

4. Learned counsel for the appellants submits that it



absolutely does not stand to reason that had the appellants committed the occurrence in that event the efforts would have been made to conceal the dead body and not to disclose to the respondent no. 2 that his son has been killed by them as is being alleged. It is further submitted that son of the respondent no. 2 had gone with Manish Saday and Anand Saday but then the FIR does not even remotely disclose that Manish Saday and Anand Saday disclosed to the respondent no. 2 that they had seen the accused committing the occurrence rather disclosed that the deceased had gone to the field of the accused to pluck cucumber, it is next submitted that the said allegation has been made only to create suspicion when the respondent no. 2 is also not an eyewitness to the occurrence. It is next submitted that it is easy to reject the present appeal at the outset in the nature of allegation alleged but then that would be a travesty of justice. It is also submitted that appellants will not abscond rather will cooperate in the investigation.

5. Learned Special Public Prosecutor and learned counsel appearing on behalf of the respondent no. 2 opposed the prayer for anticipatory bail but are not in a position to rebut the submissions of the learned counsel for the appellants that respondent no. 2 is not the eyewitness to the occurrence and the



allegations are based on suspicion.

6. Considering the aforesaid submissions, let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

8. It is made clear that if the investigation officer of the case files an application before the learned trial court bringing to its notice that appellants, after obtaining anticipatory bail, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial court shall be at liberty to cancel the bail bonds of the appellants after recording reasons.

(Satyavrat Verma, J)

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