

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.451 of 2024

Arising Out of PS. Case No.-335 Year-2023 Thana- SANGRAMPUR District- East
Champanan

=====

Anil Singh, aged about 49 years (Male), S/O Kedar Singh, R/O Village- Bhat
Karja, P.S. Sangrampur, Dist. East Champanan Motihari.

... .. Appellant

Versus

1. The State of Bihar.
2. Gorakh Paswan, S/O Late Dholai Paswan, R/O Village- Bhat Karja, P.S.
Sangrampur, Dist-East Champanan at Motihari.

... .. Respondents

=====

Appearance :

For the Appellant	:	Mr. Radha Mohan Singh, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

=====

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

ORAL ORDER

3 02-05-2024 Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 and learned Spl. P.P. for the
State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
‘SC/ST Act’) against the refusal for prayer of bail of the
appellant vide order dated 18.12.2023, passed by the learned
Special Judge SC/ST Act, East Champanan at Motihari in
connection with Sangrampur P.S. Case No. 335 of 2023
registered for the offences punishable under Sections 302/34 of
the I.P.C. and Sections 3(i)(r)(s) of the SC/ST (POA) Act.



3. The prosecution case, in brief, on 01.10.2023 in the night, the appellant and the co-accused took away the grand-son of the informant Laltu Kumar Paswan, assaulted and killed him by tying dupatta around the neck and hang him on the tree of Sagwan and at about 3 o'clock in the night, the appellant and the co-accused Tej Pratap Singh armed with weapons came at the door of the informant and abused him by his caste name and they told that they had killed his grand-son and hang him on the tree of Sagwan. It is further alleged that the reason behind the occurrence is that the informant's grand-son borrowed Rs. 20,000/- from the appellant and he returned Rs. 65,000/- with interest to him but they were telling that it was Rs. 3,00,000/- with interest. On 28.09.2023, all the accused took away Laltu Kumar Paswan and abused him by his caste name and assaulted him by tying him in pillar which was saved by villagers.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is further submitted that there is general and omnibus allegation against the appellant. It is submitted that in paragraph nos. 36, 37, 48, 49, 50 and 51 of the case diary, the witnesses have stated that on the alleged date of occurrence, the deceased was creating



nuisance in front of the house of the appellant after consuming wine and his family members were trying to control him but he refused then they tied the hand and legs of the deceased and informed the informant. He came there and brought the deceased to his residence and in the morning on 02.10.2023 they heard that the dead body of the deceased was hanging on Sagwan tree. The villagers got down his dead body and a suicide note was recovered from his pocket and after sometime they heard that the family of the deceased lodged the present case against the appellant and his family members. It is submitted that from perusal of the postmortem report of the deceased, it appears that the doctor has opined the cause of death is asphyxia due to hanging caused by ligature mark. There is no external injury except ligature mark found on the body of the deceased. It is further submitted that after investigation, charge sheet has been submitted under Sections 306/34 of the I.P.C. and Section 3(1)(r)(s) and 3(2)(v) of the SC/ST Act. The appellant is in custody since 04.10.2023. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under the SC/ST Act is made out against the appellant.



5. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 18.12.2023, passed by learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with Sangrampur P.S. Case No. 335 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on 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 Special Judge, SC/ST Act, East Champaran at Motihari in connection with Sangrampur P.S. Case No. 335 of 2023 with further condition:-

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)

U.K./-

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

