

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.447 of 2024

Arising Out of PS. Case No.-40 Year-2022 Thana- SC/ST District- Munger

Priya Singh @ Rampriya Singh, aged about years, Gender-Male, Son of Chano Singh @ Shyam Chandra Singh, Resident of Village- Itahari, P.S.- Naya Ram Nagar, District- Munger.

... .. Appellant

Versus

1. The State of Bihar.
2. Sunita Devi, Gender-Female, Wife of Mantun Dom, Resident of Village/Mohalla-Itahari, P.S.-Naya Ram Nagar, Distt.-Munger.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Kumar Kamal Nayan, Advocate
For the Respondent No.2:		M/S. Pramod Kumar and Ashutosh Kumar, Advocates
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 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 23.06.2023, passed by the learned Additional District and Sessions Judge-1-cum-Special Judge,



SC/ST Act, Munger, in connection with SC/ST P.S. Case No. 40 of 2022 registered for the offences punishable under Sections 341, 323, 354B, 316, 504, 506 of the I.P.C. and Sections 3(1)(r) (s), w(1), 3(2)(v)(va) of the SC/ST Act.

3. The prosecution case, in brief, on 24.10.2022 at about 4.00 P.M., the petitioner in drunken state came to the house of the informant and abused by calling her caste name. Thereafter, second time, he again came and abused her two daughters. Thereafter, third time, he also came and assaulted her with lathi causing stomach, head and hand injuries. She was pregnant. She took medicine and felt relax. After two days, all of sudden, there was pain in the informant's stomach, as such she went to Baichak, where she gave birth to a baby child which was not healthy thus she went to Sadar Hospital, Munger, where the said baby child died and thereafter, the said baby child was buried in the ground.

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 the occurrence took place on 24.10.2022 and the F.I.R. has been lodged on 28.10.2022 after a lapse of four days for which no explanation has been given by the prosecution. The



appellant has surrendered suo motu before the learned court below. It is submitted that due to assault in the informant's stomach by the petitioner the baby child died but the informant did not sustain any kind of injury. The appellant is in custody since 17.04.2023. 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 23.06.2023, passed by learned Additional District & Sessions Judge-1-cum-Special Judge, SC/ST Act, Munger in connection with SC/ST P.S. Case No. 40 of 2022, 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 Additional District &



Sessions Judge-1-cum-Special Judge, SC/ST, Munger in connection with SC/ST P.S. Case No. 40 of 2022 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)

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