

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.867 of 2024

Arising Out of PS. Case No.-485 Year-2023 Thana- SHERGHATI District- Gaya

Raushan Kumar @ Satya Narain Kumar S/O Sri Girja Bhagat R/O Village-
Haibaspur, Ps.- Haspura, Dist.- Aurangabad. Appellant.
Versus

1. The State of Bihar
2. Ajay Paswan S/O Late Chanarik Paswan R/O Village- Angara, Ps.- Dobhi,
Dist.- Gaya.
... .. Respondents.

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Respondent No.2 :		Mr. Satish Kumar Sinha, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 20-09-2024 Heard Mr. Ajay Kumar Thakur, learned counsel
for the appellant, Mr. Satish Kumar Sinha, learned counsel for
the respondent no.2 and Mr. Sadanand Paswan, 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, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for bail vide order
dated 12.01.2024 passed by learned Exclusive Special Judge
SC/ST Act, Gaya in connection with Sherghati P.S. Case No.
485 of 2023 registered under Section 302/34 of the Indian Penal
Code and Section 3(1) (r) (s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.



3. The appellant in association of other co-accused is said to have brutally assaulted the son of the informant leading to his death.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case merely on suspicion. It is further submitted that the Principal-cum-Director of the school, namely, Bandana Kumari, who was also taken into custody, has stated that Ankit was lying ill since last two days and information was given to his family member on mobile and they stated that they will come but they did not turn up. When his condition got deteriorated, the medicine was given by the local doctor and teacher, Raushan Kumar (appellant) and they took him to the doctor. It is further submitted that the doctor has not given any opinion about the cause of death and viscera was preserved. It is further submitted that Dr. Sanjiv Kumar in his statement has stated that on 11.05.2023 at about 9 PM, Ankit Kumar of New Indira Gandhi School was brought to his clinic for treatment by the appellant along with 1-2 children. The boy was suffering from fever. He prescribed paracetamol and cetixime tablet and advised him to come after two days but thereafter he heard that the ailing boy has died. It is further



submitted that in the school in question out of 120 students 70% boys belonged to SC/ST community and similarly even amongst the teachers also several teachers belongs to EBC category and thus there is no question of abusing or assaulting anyone due to his caste. Appellant has been languishing in custody since 07.12.2023.

5. Learned Special PP for the State assisted by learned counsel for the respondent no.2 opposed the prayer for bail. Learned counsel for the respondent no.2 further submitted that there is allegation against the appellant of brutally assaulting the son of the informant, who died during course of the treatment.

6. Having heard learned counsel for the parties at length, perusing the case diary, postmortem report and the F.S.L. report as well as considering the period of custody, I am inclined to enlarge the appellant on bail.

7. In view of the aforesaid, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST Act, Gaya in connection with Sherghati P.S. 485 of 2023, subject to condition that the appellant shall



remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Anjani Kumar Sharan, J.)

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