

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1375 of 2024

Arising Out of PS. Case No.-377 Year-2023 Thana- PAHARPUR District- East Champaran

Tuntun Ram S/o- Pathal Ram Village- Sareya koriya patti, Ps- Paharpur Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Umrawati Devi wife of Krishna Ram @ Dukhi Ram Village- Sareya Khoriya Patti Ps- Paharpur Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Abhishek Kumar, Adv.
Fro the Resp. No. 2	:	Mr. Madhurendra Kumar, Adv.
For the Respondent/s	:	Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 09-05-2024 Heard learned counsel for the appellant and learned counsel for the respondent no. 2 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, 1989 against the rejection of prayer for bail vide order dated 19.02.2024 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Paharpur P.S. Case No. 377 of 2023 dated 16.09.2023 registered for the offence/s punishable u/ss 302, 120B read with section 34 of the Indian Penal Code and later on added sections 3(i)(r)(s) / 3(2) (v) of the SC/ST (POA) Act.



3. As per the prosecution case, the informant's son went with one Jitendra Sharma but did not return. Thereafter, she came to know that her son was killed by slitting his neck and his dead body was thrown near Samda Pokhar. It is alleged that the appellant and the co-accused persons killed her son.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is general and omnibus allegation against the appellant. There is case and counter case between the parties. There is no eye witness to the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 02.02.2024.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 19.02.2024 passed by the learned Special Judge, SC/ST (POA)



Act, East Champaran at Motihari in connection with Paharpur P.S. Case No. 377 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 (POA) Act, East Champaran at Motihari in connection with Paharpur P.S. Case No. 377 of 2023.

(Chandra Prakash Singh, J)

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