

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2271 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- DUMRA District- Sitamarhi

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1. Babloo Sah Son of Late Pragas Sah R/o Village - Aajamgadh, P.S.- Dumra, District - Sitamarhi.
 2. Shivam Kumar @ Shibam Kumar Son of Babloo Sah R/o Village - Aajamgadh, P.S.- Dumra, District - Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Meena Devi Wife of Late Ashok Paswan R/o Aajamgadh, P.S.- Dumra, District - Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amit Narayan, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P
For respondent no.2	:	Mr. Shankar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-11-2024 Heard learned counsel for the appellant, the State and respondent no.2.

2. This appeal has been filed for setting aside order dated 4.4.2024, passed in a case registered for the offence punishable under sections 302, 120B/34 of the IPC and sections 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for regular bail of the appellant has been rejected.

3. As per the prosecution case, appellant and other accused persons, all named in the FIR, took away husband of respondent no.2 on their motorcycle and within an hour his dead



body was recovered lying near the heap of straw of one Sitaram Mukhiya.

4. It is submitted that appellant has falsely been implicated in this case. It is next submitted that respondent no.2 is not eye witness of the occurrence and save and except suspicion, there is no other direct or indirect evidence against the appellant to show his complicity in the occurrence. Besides this, deceased was addict to alcohol and he might have died due to internal injuries caused by liquor consumption as police did not find any external injury on the body of the deceased. Post mortem report also does not suggest any external injury on the dead body. It is not the case of the respondent no.2 that any member of the public was present at the place of occurrence, as such, no offence under the SC/ST Act is made out against the appellant. Appellant has no criminal antecedent and he is in custody since 16.2.2024.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. Let the appellant, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of the
Additional Sessions Judge I cum Special Judge, SC/ST (POA)
Act, Sitamarhi in Dumra Police Station Case No. 71 of 2024,
GR No.15/24 and PTN 78 of 2024.

(Prabhat Kumar Singh, J)

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