

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2698 of 2024

Arising Out of PS. Case No.-151 Year-2024 Thana- NAWANAGAR District- Buxar

Jitendra Yadav @ Chandeshwar Singh S/o Late Yamuna Yadav R/o Village
Gunjadih, P.S.- Navanagar, District-Buxar, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Umashankar Mushar S/o Late Tejan Mushar R/o Village Gunjadih, P.S.-
Navanagar, District-Buxar, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vikash Kumar Pankaj
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 09-12-2024 1. Heard learned counsel for the appellant and learned
Additional Public Prosecutor for the State.
2. An order, dated 21.05.2024, passed by learned Additional
Sessions Judge I -cum- Special Judge SC/ST Act, Buxar,
in ABP No. 613 of 2024, is under challenge in the present
appeal preferred under Section 14-A (2) of the Schedule
Caste and Schedule Tribes (Prevention of Atrocities) Act,
1989, whereby the anticipatory bail application of the
appellant in connection with Nawanagar Police Station
Case No. 151 of 2024 registered for the offence
punishable under Sections 304/34 of the Indian Penal
Code and Section 3(2)(v) of the Schedule Caste/Schedule



Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that the informant's son, namely, Garivan Mushar (now deceased), was a worker at the appellant's poultry farm on daily wages. On 06.05.2024, in the midnight, the informant's son had gone for taking his wages to the appellant's poultry farm, but did not return. Upon search, the dead body of the informant's son was found in electrocuted condition and suspicion is against the appellant.
4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case due to oblique motive and political reasons. He next submits that the allegation against the appellant has been made on the basis of concocted story inasmuch as the deceased was never an employee of the appellant and was mere a trespasser and due to darkness unfortunate incident happened and in the post-mortem report, the cause of death of the deceased has come due to shock and electric burn injury. The appellant was not present at the place of occurrence and from perusal paragraph-6 of the case dairy, it appear that during investigation nothing



incriminating has been found on the poultry farm of the appellant. He further submits that the provisions of SC/ST Act is not made out against the appellant as the occurrence took place in private property of the appellant and no allegation of assault has been made against him, as would be evident from the First Information Report itself.

5. Despite service of notice, no one appeared on behalf of the respondent no. 2.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the deceased died to shock and burn injury due to electrocution, I am inclined to grant the appellant privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 21.05.2024, passed by learned Additional Sessions Judge I -cum- Special Judge, SC/ST Act, Buxar, in ABP No. 613 of 2024, is set aside.
8. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions



Judge I -cum- Special Judge, SC/ST Act, Buxar, in connection with Nawanagar Police Station Case No. 151 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

ashwani/-

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

