

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3436 of 2023

Arising Out of PS. Case No.-411 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

Matha Sahani S/O Late Mahendra Sahani R/O Village- Sirsa, Ps. Motihari
Muffasil, Dist. East Champaran, Motihari

... .. Appellant/s

Versus

1. The State of Bihar
2. Premi Devi Rajesh Manjhi Resident of Village- Mushhari Tola, P.S.-
Muffasil Motihari, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Anil Kumar, Advocate
For the State	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Tej Narayan Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 22-02-2024 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant.

2. The instant appeal has been filed by the appellant

against the order dated 05-11-2022 passed by learned Special

Judge, SC/ST Act, East Champaran at Motihari, whereby the

prayer for bail of the appellant in connection with Trial No. 168

of 2022 arising out of Muffasil P.S. Case No. 411 of 2022

instituted for the offence under Sections 328, 302 of the Indian

Penal Code and Sections 3(i)(r)(s)(w) and 3(2)(v) of Scheduled

Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989



(for brevity SC/ST Act) was rejected.

3. Prosecution case, in short, is that informant had given Rs. 80,000/- to the appellant for marriage ceremony of the daughter of the informant. On 06.06.2022, mother-in-law of the informant, namely, Jiyatri Devi was in the field whereafter appellant reached there and demanded her money and for that scuffle was made. It is further alleged that during that course appellant has assaulted the mother-in-law of the informant and appellant administered poison to her forcibly, due to which she succumbed to death.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. In fact, appellant has not taken a single penny from the informant. It is further submitted that appellant has not assaulted the deceased or administered poison to her. Doctor has not found any external injury on the body of the deceased. Charge-sheet has been submitted in this case. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant surrendered in the court below on 04-07-



2022 and has no criminal antecedent. Referring to the deposition of the informant, she has stated in her cross-examination that her mother-in-law was ill and her treatment was going on.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 05-11-2022 passed by learned Special Judge, SC/ST Act, East Champaran at Motihari, is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Trail No. 168 of 2022 arising out of Muffasil P.S. Case No. 411 of 2022.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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