

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4279 of 2023**

Arising Out of PS. Case No.-335 Year-2023 Thana- MITHANPURA District- Muzaffarpur

Badri Prasad Sinha S/O Late Yogendra Prasad Singh R/O Mohalla-  
Jawaharlal Road, Ghirni Pokhar, P.S- Town, Distt.- Muzaffarpur.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Prakash Kumar S/O Yogendra Paswan R/O Village- Bhagwanpur Dadhiya,  
P.S- Bochahan, Distt.- Muzaffarpur.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mrs.Vaishnavi Singh  
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

9      16-05-2024                      Heard learned counsel for the appellant and 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 of bail *vide* order dated 31.08.2023 passed by the learned Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Mithanpura P.S. Case No. 335 of 2023, registered for the offence/s punishable u/s 302 read with section 34 of the Indian Penal Code, u/s 3(1)(r)(s)/3(2) (va) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act.



3. As per the prosecution case, the daughter of the informant disclosed that the appellant, proprietor of her hostel was getting girls of the hostel involved in immoral act. When the informant went to the hostel for taking his daughter to his house and he found that his daughter was killed and hanged. The deceased's feet was touching the bed and there was a sign of electrocution also. It is further alleged that the petitioner and the co-accused persons committed murder of his daughter on the disclose about the said immoral act.

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. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. As per postmortem report, the cause of death is asphyxia as a result of antemortem hanging. The appellant is not involved in the alleged crime rather he is simply a proprietor of the hostel. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 07.08.2023.

5. Learned counsel learned Spl. P.P. for the State as



well as learned counsel for the respondent no. 2 has vehemently opposed the prayer of bail.

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 31.08.2023 passed by the learned Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Mithanpura P.S. Case No. 335 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, Muzaffarpur in connection with Mithanpura P.S. Case No. 335 of 2023, with a condition:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

**(Chandra Prakash Singh, J)**

Ranjeet/-

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