

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1597 of 2025

Arising Out of PS. Case No.-182 Year-2024 Thana- CHANPATIA District- West Champaran

Tuntun Rai @ Nitesh Kumar @ Nitesh Kumar Rai Son of Baidyanath Rai
Village- Khora PS- Chanpatiya District -West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Soniya Devi Wife of Madhu Ram village- Gobindpur, Ward no. 13, Ps-
Chanpatiya, Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bimlesh Kumar Pandey, Adv
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP
For the O.P. No. 2	:	Mr. Sachida Nand Rai, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 28-11-2025 Heard the parties.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the Act”) against the refusal of prayer for bail vide order dated 20.03.2025 passed by the learned Additional District and Sessions Judge 1st cum Special Judge, SC/ST, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No. 182 of 2024 registered for the offences punishable under Section 105 of the Bhartiya Nyay Sanhita, 2023 and section 3(1), 3(2) and 3(v) of the SC/ST (POA) Act.

3. Present appeal is well within limitation as prescribed



under Section 14A(3) of the Act.

4. The appellant is named in F.I.R. and is in custody since 29.01.2025.

5. Allegation against the petitioner as per FIR is to give injection to son of the informant aged about six years due to which he died.

6. Learned counsel for the appellant submitted that appellant never claimed that he is a doctor and thus by offered treatment. It is submitted that appellant is a dresser and, therefore, the person in the rural background approached him usually in connection with their own ailments like fever etc. It is submitted that upon post-mortem cause of death could not ascertained and therefore, it could be said safely that the death as alleged to be caused by medicine injected by this appellant not appears convincing. Learned counsel appearing for the appellant submitted that nothing transpired from the face of FIR which may suggest prima facie that occurrence took place out of atrocities as defined within the meaning of SC/ST (POA) Act, 1989 and this FIR was lodged only to get compensation being a member of SC community.

7. While concluding argument, it is submitted that investigation of this case is already completed, charge-sheet has



been submitted and as such, there is no chance of tampering with evidence, and moreover, appellant found involved in two more cases, where he is on bail. In support of his submissions learned counsel relied upon the legal report of Hon'ble Supreme Court as held in the matter of **Atul @ Ashutosh Vs. State of Madhya Pradesh**, reported in **[(2024) 3 SCC 663]**.

8. Learned Special P.P. for the State, duly assisted by learned counsel for the informant while opposing prayer for bail fairly submitted that cause of death could not be ascertained through post-mortem.

9. In view of the submissions, as made above and by taking note of fact as post-mortem of the deceased son of informant failed to suggest prima-facie that same was caused due to medicine which was injected by this appellant, coupled with the fact as investigation of this case is already completed, where appellant remains in custody since 29.01.2025, accordingly, appellant, above named, is directed to be released on bail in connection with Chanpatiya P.S. Case No. 182 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st cum Special Judge (SC/ST), Bettiah, West Champaran/concerned court, subject to



the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita with further condition:-

(i) Appellant shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

10. Accordingly, impugned order dated 20.03.2025 is set aside.

11. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J.)

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