

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4372 of 2024

Arising Out of PS. Case No.-149 Year-2023 Thana- INDUSTRIAL AREA District- Vaishali

Nagendra Rai @ Nagendra Ray S/o Madan Rai R/o Village- Koiwari Buzurg,
Ps- Industrail Area, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Seema Devi W/o Vijay Choudhary R/o vill - Hilalpur, P.S. - Industrial Area,
Distt. - Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sabal Kumar Jha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-01-2025 1. Heard learned counsel for the appellant and learned
Special P.P. 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 referred to as the “SC/ST
Act”) against the refusal of prayer for bail vide order dated
25.07.2024 passed by the learned Exclusive Special Court
SC/ST cum Additional District and Sessions Judge, Vaishali at
Hajipur in connection with Hajipur Industrial Area P.S. Case
No. 149 of 2023 registered for the offences punishable under
Sections 341, 323, 324, 325, 307, 302 and 120(B) of the Indian
Penal Code as well as Sections 3(1)(r)(s) and 3(2)(v) of the



SC/ST Act.

3. Learned counsel for the appellant submits that appellant had earlier moved for seeking anticipatory bail, but the same was permitted to be withdrawn. It is next submitted that appellant is a person with clean antecedent and is in custody since 18.07.2024. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that informant alleges that her husband (deceased) worked as daily labourer of tile and marble and was working at the house of Parmeshwar Rai for the last one month, it is next alleged that on 21.10.2023 at about 10:00 AM her husband went for work, but he did not return till evening, further on the same day at 07:30 PM, the accused persons namely Birendra and Nagendra Rai (appellant) came on a motorcycle along with her husband who was in an unconscious state and left him at the doors and fled away, thereafter the husband of the informant was taken to Janta hospital for treatment from where he was referred to NMCH, Patna and further referred to PMCH and thereafter the informant took her husband to Shivam hospital for better treatment, but lastly the husband was referred Medizone hospital, Kankarbagh where her husband died during the course of treatment, it is also alleged that the cloths of her husband was removed, the



informant saw the marks of injuries on chest and ear and thus alleges based on suspicion that the accused persons might have assaulted him with a view to grab his wages.

4. The learned counsel for the appellant submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the entire allegation hinges around suspicion. It is further submitted that it absolutely does not stand to reason that had the appellant been involved in the occurrence then definitely he would not have brought the husband of the informant to his house fearing that he may disclose. It is further submitted that police after investigation has submitted charge sheet in the case, as such, no useful purpose would be served by keeping the appellant behind bars when appellant admittedly is a person with clean antecedent. It is also submitted that appellant will not abscond rather will cooperate in the trial to prove his innocence.

5. Learned Special P.P. for the State opposes the prayer for bail of the appellant.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 25.07.2024 passed by the learned Exclusive Special Court SC/ST cum Additional District and Sessions Judge, Vaishali at Hajipur in connection



with Hajipur Industrial Area P.S. Case No. 149 of 2023, is **hereby set aside** and the appellant above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Hajipur Industrial Area P.S. Case No. 149 of 2023.

7. Accordingly the appeal stands allowed.

8. However, it is made clear that if the learned Trial Court comes to a conclusion that appellant after his release is trying to delay the trial in any manner, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the appellant after recording reasons.

(Satyavrat Verma, J)

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