

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4978 of 2024

Arising Out of PS. Case No.-273 Year-2024 Thana- BIDUPUR District- Vaishali

Arvind Thakur @ Arvind kumar Thakur S/o Late Nanda Thakur @ Late Nand
kishore Thakur R/o Village- Panapur Dilawarpur Gobardhan, P.S.- Bidupur,
District-Vaishali

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Rinku Devi W/o Late Mantu Ram R/o vill - Panapur Dilawarpur Gobardhan,
P.S. - Bidupur, Distt. - Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Kumar Yadav, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 11-07-2025 Heard learned counsel for the appellant, the State
.
Despite valid service of notice , nobody appears on behalf of
respondent No. 2.

2. This appeal has been filed for setting aside order
dated 13.09.2024 passed in a case registered for the offence
punishable under sections 302 of the IPC and sections 3 (2) of
the Scheduled Castes and Scheduled Tribes Act, whereby prayer
for regular bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely ,
Rinku Devi, alleged that on 09.05.2024 at about 12:30 O' Clock
this appellant had heated argument with husband of informant.
It is further alleged that after the argument appellant pushed



husband of informant, in the ditch under the bridge due to which he sustained injuries and during treatment after 20 days of the alleged occurrence husband of informant died.

4. It is submitted that the appellant is innocent and has committed no offense as alleged. Informant is not an eyewitness to the alleged occurrence . F.I.R. has been lodged after delay of 20 days, for which there is no plausible explanation, which itself creates doubt over the veracity of the prosecution case. As a matter of fact, appellant and deceased were friends, and there was no enmity between them. Husband of informant fell in a dig, due to which, on 09.05.2024, after treatment at Mediversal Hospital Patna, he was declared fit and discharged, and it was this appellant who provided all the financial help to the deceased, and thereafter, due to excessive high temperature, the husband of the informant suffered heatstroke and again became ill and died while going to the hospital. It is not the case of the informant that any member of the public was present at the place of the incident; as such, no offense under the SC/ST Act is made out against the appellant, and he has been in custody since 07.09.2024 .

5 . Learned special Public Prosecutor for the State opposed the bail appeal.



6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside .

7. Let the appellant, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive special Court (SC / ST Act), Vaishali at Hajipur District Vaishali in connection with Bidupur Police Station Case No. 273 of 2024 .

(Prabhat Kumar Singh, J)

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