

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5194 of 2024

Arising Out of PS. Case No.-87 Year-2023 Thana- MALI District- Aurangabad

Ramadhar Singh Son of Late Nawbat Singh @ Late Rakshya Singh Resident
of Village - Tona, P.S. - Mali, District - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Saraswati Devi Wife of Vinay Prasad Resident of Village - Sinduria Tola
Gotidih, P.S. - Mali, District - Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Adarsh Singh

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 3 17-01-2025 1. Heard learned Senior counsel for the appellant, Mr. Yogesh Chandra Verma 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 24.05.2024 in B.P. No. 420 of 2024 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad, Bihar in connection with Mali P.S. Case No. 87 of 2023 registered for the offences punishable under Sections 341, 323, 324, 302 and 34 of the Indian Penal Code as well as Sections 3(i)(r)(s) and 3(2)(v) of the SC/ST Act.
3. Learned Senior counsel for the appellant submits that appellant has antecedent of one case and is in custody since



14.05.2024 and the informant alleges that while her husband was irrigating his field when the accused persons including the appellant came and started abusing her husband by taking caste name and said that why is he irrigating the field, on which her husband requested them to allow him to irrigate the field, when appellant and Akash caught him while Sushil by knife beheaded the head of her husband.

4. Learned Senior counsel appearing on behalf of the appellant submits that appellant had earlier moved this Court seeking regular bail by filing Criminal Appeal (SJ) No. 3543 of 2024 and the same was permitted to be withdrawn with liberty to the appellant to file fresh regular bail application after framing of charge. It is also submitted that on account of dispute relating to land, the appellant has been implicated in the instant case and is a senior citizen aged about 64 years. It is next submitted that charges have been framed, trial has commenced and one witness has been examined. It is next submitted that the informant is not an eye witness to the occurrence nor the FIR discloses that on what basis, the said allegation was alleged against the appellant. It is also submitted that if privilege of regular bail is granted to the appellant, the appellant will not abscond rather will cooperate in the trial to prove his innocence.

5. Learned Spl. P.P. for the State opposes the prayer for



bail of the appellant.

6. In view of the submissions made by the learned Senior counsel for the appellant, the order dated 24.05.2024 in B.P. No. 420 of 2024 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad, Bihar in connection with Mali P.S. Case No. 87 of 2023, is **hereby set aside** and the appellant above-named, is directed to be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five 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 Mali P.S. Case No. 87 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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