

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.662 of 2016

Arising out of P.S. Case No. -137 Year- 2015 Thana -MATIHANI District- BEGUSARAI

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Deodhar Rai, son of late Ram Chandra Rai, resident of village- Raichiyahi
Purana Tol, P.S.- Matihani, District- Begusarai.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant : Mr. Yogesh Chandra Verma, Sr. Advocate.

For the State : Mr. Sadanand Paswan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 18-10-2016 Heard Mr. Yogesh Chandra Verma, learned senior

counsel for the appellant and Mr. Sadanand Paswan, learned

Special P.P. for the State.

This application under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 (For short 'the SC and ST Act') has been filed
challenging the order dated 21.5.2016 passed by the learned
Special Judge, SC and ST Begusarai, in Matihani P.S. Case No.
137 of 2015 by which he has rejected the application for bail of
the appellant in a case registered under Sections 147, 148, 149,
241, 342, 323, 302, 504 of the Indian Penal Code and Section 3 (2)
(v) of the SC and ST Act.

It has been submitted by the learned senior counsel



appearing on behalf of the appellant that apart from hypothetical presumption and wild suspicion, there is no other material to connect the petitioner with the alleged offence. He has submitted that though the appellant and six others have been named in the First Information Report instituted by Smt. Lalita Devi, mother of the deceased Navin Paswan, the allegation made in the First Information Report itself would make it evident that neither she is a witness to the occurrence nor she has disclosed the name of any person through whom she came to know that the appellant had committed the alleged offence. He has further conceded that even during course of investigation, apart from suspicion, no other material could be collected by the Police.

On the other hand, learned Special P.P. for the State has submitted that there was strong motive against the appellant and other accused persons to commit the offence. He has submitted that though the informant of the case is not a witness to the occurrence, she has categorically stated that the appellant and six others named in the First Information Report are on inimical terms with the deceased and it was they who have committed the offence.

I have heard learned counsel for the parties and perused the materials on record. I find force in the submission

made by the learned counsel for the appellant. Even after going through the case diary, learned Special P.P. for the State has not been able to refer to statement of any of the witnesses to show that the appellant had participated in the commission of the crime. At best the case is based on proof of circumstances.

In that view of the matter, the impugned order dated 21.5.2016 passed by the learned Special Judge, SC. ST. Begusarai, in connection with Matihani P.S. Case No. 137 of 2015 is set aside. The appellant named above, is directed to 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 learned learned Special Judge, S.C. S.T. Begusarai, in connection with Matihani P.S. Case No. 137 of 2015.

(Ashwani Kumar Singh, J)

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