

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1985 of 2017

Arising Out of PS.Case No. -121 Year- 2017 Thana -SONBERSA District- SITAMARHI

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Chunchun Mahto @ Chunchun Kumar, son of Shankar Mahto, resident of
Village- Fulkaha, P.S.- Kanhauli, District- Sitamarhi.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Rajib Ranjan Jha

For the Informant : Mr. Anisur Rahman

For the Respondent/s : Mr. Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 10-10-2017 Heard learned counsel for the appellant.

This appeal has been filed for bail in connection with Sonbarsa P.S.Case No. 121 of 2017 registered for the offences punishable under Sections 302/34 of the Indian Penal Code, 27 of the Arms Act and 3(ii)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 17.6.2017 passed by Additional Sessions Judge-I-cum-Special Judge, Sitamarhi.

Allegation against the appellant is that he has taken the deceased along with him and thereafter his dead body was found and there is dispute between the parties from before as the deceased was working as driver of the appellant.

Submission of learned counsel for the appellant is that



except suspicion there is nothing against him, whereas some of the witnesses have stated during course of investigation before police that appellant along with deceased and one person were traveling in a motorcycle and the motorcycle met with an accident and the driver of the motorcycle has died, which will appear from paragraphs 31, 32 and 33 of the case diary and appellant is in custody for five months.

Heard learned Special P.P. and learned counsel for the informant, who have opposed the prayer for bail on the ground that wages of the deceased were due with the appellant and, as such, the deceased was killed.

Having heard both sides and in the facts and circumstances of the case, the appeal is allowed and the impugned order is set aside.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Sitamarhi, in connection with Sonbarsa P.S. Case No. 121 of 2017, subject to the following conditions :-

- (1) One of the bailors shall be a local person having sufficient immovable properties in



the jurisdiction of court concerned,

- (2) Appellant shall co-operate in trial and appear on each and every date fixed in court and failure to appear on two consecutive dates without any genuine reason or without permission of court, his bail bond shall be liable to be cancelled.

(Vinod Kumar Sinha, J)

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