

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3066 of 2017

Arising Out of PS.Case No. -246 Year- 2016 Thana -BALIA District- BEGUSARAI

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1. Manti Devi, Wife of Late Karelal Tanti,
2. Ram Ishwar Yadav, Son of Late Sita Ram Yadav, Both residents of
Village- Bhagatpur, P.S.- Balia, District- Begusarai.... Appellants
Versus

The State of Bihar. Respondent

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Appearance :

For the Appellant/s : Mr. Ajit Kumar, Adv.

For the Respondent/s : Mr. Sri Sadanand Paswan, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 29-01-2018 Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by the learned Special Judge S.C./S.T. Act, Begusarai, in connection with Balia Police Station Case No.246 of 2016 registered under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act as well as Section 3(1) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant is mother of the deceased. When dead body of Karelal Kanti was noticed in the field side, she suspected that the appellant Manti Devi who is wife of the deceased alongwith the appellant Ram Ishwar Yadav might have committed murder, for the reason that both the appellants were in illicit relation.



Learned counsel for the appellants submits that the deceased had filed a Sanha with Sub Divisional Officer, Begusarai vide Annexure-2 bearing Sanha No. 63 of 2016 on 28.10.2016 itself, stating therein that the named persons (not the appellants) want to grab the land of the uncle and for that reason they might commit murder of the deceased. In that petition, the deceased further disclosed that named persons falsely alleged that wife of the deceased is in illicit relationship with co-accused Ram Ishwar Yadav.

Considering the aforesaid facts, let the appellants, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Balia Police Station Case No.246 of 2016, with condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the appeal stands allowed and the impugned order is set aside.

(Birendra Kumar, J)

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