

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.313 of 2019

Arising Out of PS. Case No.-224 Year-2018 Thana- LALGANJ District- Vaishali

Amarjeet Mahto, 32 years (Male), son of Mahendra Mahto, Resident of
Village- Dilawarpur, P.S.- Laljang, District- Vaishali.

... .. Appellant/s

Versus

The State Of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anish Chandra, Adv.

For the Respondent/s : Mr.Sadanand Paswan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 14-02-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A) (2) of SC & ST
(Prevention of Atrocities Act, 1989 against the refusal of prayer
for bail by order dated 16.11.2018 passed by learned Additional
Sessions Judge-I-cum-Special Judge (SC/ST) Act, Vaishali at
Hajipur, in connection with Lalganj P.S. Case No. 224 of 2018,
registered under Section 302, 201/34 of the Indian Penal Code
and Section 3(i)(r)(s), 3(ii)(v)(a) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

Informant who is the widow of the deceased has
alleged that on 25.06.2018 appellant took her husband to attend
a marriage ceremony of his niece however he did not return in
the night and next day morning his dead body was found. It has
been alleged that FIR named accused including appellant have
committed murder of her husband as he had illicit relation with



the daughter of appellant.

It has been submitted on behalf of the appellant that he is innocent and has falsely been implicated in this case merely on the basis of suspicion, except suspicion there is no any incriminating material against appellant. Appellant has no criminal antecedent and is in custody since 27.06.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions :

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

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

(S. Kumar, J)

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