

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1972 of 2019

Arising Out of PS. Case No.-117 Year-2018 Thana- HALSI District- Lakhisarai

Rajendra Bind Son of Late Kasho Bind Resident of Village - Marpa Kala,
P.S.- Laralya Tanr (Dharahara), Dist.- Munger

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar

For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 10-07-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 1.04.2019 passed by learned 1st A.D.J. cum Special Judge, SC/ST, Lakhisarai in Halsi P.S. Case No. 117 of 2018 initially registered under Sections 363, 365 of the Indian Penal Code and later on added with Sections 364, 302, 201, 120(B)/34 of the I.P.C. and Section 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, the son of the informant has been kidnapped by some unknown miscreants



while he had gone to Lakhisarai. During the course of investigation, it was found that Jeera Devi was having illicit affair with the deceased, and her husband, brother and other person calling the deceased at their house committed his murder.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He is not named in the FIR. There is nothing cogent on record to indicate the complicity of the appellant in the occurrence barring the confessional statement of co-accused Jeera Devi. There is no eye witness of the occurrence. Witnesses in the case diary, who happen to be hearsay witnesses of the occurrence, have also not precisely named the appellant in the occurrence. Appellant happens to be aged about 70 years.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st A.D.J. cum Special Judge, SC/ST, Lakhisarai in connection with Halsi P.S. Case No. 117



of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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