

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2780 of 2019

Arising Out of PS. Case No.-98 Year-2018 Thana- SIGAUDI District- Patna

Nagmani Mahto @ Nagmani Singh Son of Late Beyas Mahto @ Beyas Singh
Resident of Village- Bela, P.S.- Sigori, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jagjit Roshan
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

3 21-08-2019 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 for bail vide order dated 03.05.2019 passed by learned Special Judge, SC/ST Act, Patna in Sigori P.S. Case No. 98 of 2018 registered under Sections 302, 120(B) of the Indian Penal Code and Sections 3(1)(r)(s)(g), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Husband of the informant is suspected to have been murdered by the eight named accused persons including the appellant while he was proceeding on his motorcycle in



connection with the work of Vikas Mitra due to animosity over land dispute. The aforesaid accused persons had also entered into brawl with him earlier.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to land dispute and animosity. Informant does not happen to be eye witness of the occurrence. Moreover, there is no eyewitness of the occurrence. Witnesses in paragraphs 79 and 80 of the case diary have unanimously stated that when they arrived at the place of occurrence in the morning, they found dead body of the deceased Virendra Kumar beneath the motorcycle. They have suspected about falling the deceased from the motorcycle and his death due to cold. Doctor conducting autopsy of the cadaver of the deceased has not found any external injury on the person of the deceased barring multiple abrasion on both sides of his neck and has also not opined cause of death rather kept the opinion reserved till receiving of the viscera report. Barring the case lodged by the deceased against the appellant regarding the land dispute, appellant has no criminal antecedent and has been languishing in custody since 28.01.2019.

Learned Spl. PP for the State opposed the prayer



for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Patna in connection with Sigori P.S. Case No. 98 of 2018.

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

(Prakash Chandra Jaiswal, J)

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