

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3149 of 2019**

Arising Out of PS. Case No.-35 Year-2019 Thana- NAGARNAUSA District- Nalanda

Shailesh Gope Son of Bakhori Gope Resident of Village - Baldha, P.S.-  
Nagarnausa, District- Nalanda.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

**Appearance :**

|                      |   |                                               |
|----------------------|---|-----------------------------------------------|
| For the Appellant/s  | : | Mr. Ajay Kumar Mukherjee<br>Mr. Ganesh Sharma |
| For the Respondent/s | : | Mr. Binay Krishna                             |

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

ORAL ORDER

3      06-09-2019                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 03.07.2019 passed by learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge, Nalanda at Bihar Sharif in connection with Nagarnausa P.S. Case No.35 of 2019 registered under Sections 363, 365, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with two other named accused



persons are said to have slated the informant and extended threatening of dire consequence to family members of the informant on not withdrawing the case lodged against them. Later on the wife of the informant got missing on way to her field and her dead body was found in the well. The informant suspected the complicity of the appellant in the aforesaid occurrence.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in the case merely on suspicion. There is no eye witness of the occurrence. None has seen the appellant with the deceased or near the vicinity of the place of occurrence. There is no cogent incriminating material on record indicating the complicity of the appellant in the occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has been languishing in custody since 11.06.2019. Hence, he may be enlarged on bail.

On the other hand, learned counsel for the informant and learned Spl. PP for the State opposing the prayer for bail submitted that the deceased had lodged a case against the appellant and others for teasing her by them and appellant mounted pressure upon the informant to withdraw the said case



and on refusal to oblige them they committed murder of his wife by kidnapping her on way to field. Hence, the appellant does not deserve bail.

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 1<sup>st</sup> Additional Sessions Judge cum Special Judge, Nalanda at Bihar Sharif in connection with Nagarnausa P.S. Case No.35 of 2019, subject to condition that Appellant shall cooperate 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 the learned court below and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned court below.

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

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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