

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3202 of 2019

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

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1. Kishan Bind Son of Rajendra Bind Resident of Village - Marpa Kala, P.S.-
Laraiya Tanr (Dharahara) Distt - Munger.
 2. Bishan Bind Son of Rajendra Bind Resident of Village - Marpa Kala, P.S.-
Laraiya Tanr (Dharahara) Distt - Munger.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar

For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 05-08-2019 Heard learned counsel for the appellants 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.

Son of the informant is said to have 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 appellants that the appellants have no concern with the aforesaid occurrence. They are not named in the FIR. There is nothing cogent on record to indicate the complicity of the appellants 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 appellants in the occurrence. None has seen the deceased visiting the house of Jeera Devi at the time of occurrence. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent. Similarly situated co-accused, namely, Rajendra Bind and Mithlesh Bind @ Mithlesh Kumar have been enlarged on anticipatory bail by this Court vide orders dated 10.07.2019 & 31.07.2019 passed in Cr. Appeal (SJ) Nos. 1972 of 2019 and 1318 of 2019, respectively.



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

In the facts and circumstances of the case, let the
above named appellants be released on bail, in the event of
their 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) each 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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