

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3529 of 2019**

Arising Out of PS. Case No.-1225 Year-2018 Thana- SAHARSA District- Saharsa

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LAL MOHAR DAS S/o Upendra Das R/o village- Nariyar, P.S.- Saharsa,
District- Saharsa

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Mishra
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

4 04-11-2019 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 08.05.2019 passed by learned 3rd Additional Sessions
Judge cum Special Judge SC/ST Act, Saharsa in connection
with Special SC/ST Case No. 247 of 2018, arising out of
Saharsa P.S. Case No.1225 of 2018, registered under Sections
447, 341, 323, 427, 363, 365, 504, 506 & 120-B of the Indian



Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Ten accused persons are said to have kidnapped and murdered the father of the informant over land dispute. One Anil Choudhary had earlier extended threatening of dire consequences to his father.

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 F.I.R. There is nothing on record to indicate the complicity of the appellant in the occurrence barring the confessional statement of the accused Anil Choudhary due to animosity which has also no evidentiary value in the eyes of law. Appellant has been languishing in custody since 01.02.2019. Similarly situated co-accused Parmeshwari Yadav has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide judgment dated 29.03.2019 passed in Cr. Appeal (SJ) No.564 of 2019 while co-accused Anil Yadav has been enlarged on anticipatory bail by this Court vide order dated 04.07.2019 passed in Cr. Appeal No.1660 of 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 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 learned 3rd Additional Sessions Judge cum Special Judge SC/ST Act, Saharsa in connection with Special SC/ST Case No. 247 of 2018, arising out of Saharsa P.S. Case No.1225 of 2018.

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

(Prakash Chandra Jaiswal, J)

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