

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3535 of 2019

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

Surendra Bind Son of Dulo Bind Resident of Village - Naya Bazar, Near S.P. Residence Lakhisarai, P.S.- Lakhisarai, Dist.- Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 02-09-2019 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 of anticipatory bail vide order dated 24.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Lakhisarai in connection with SC/ST Case No.118 of 2018, arising out of Halsi P.S. Case No. 117 of 2018 (G.R. No.1082/18) registered under Sections 363, 365 but later on Section 364, 302, 201 & 120 B/34 of the Indian Penal Code 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 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. None has seen the deceased visiting the house of Jeera Devi at the time of occurrence. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent. Similarly situated co-accused, namely, Rajendra Bind, Mithlesh Bind @ Mithlesh Kumar and Kishan Bind and another have been enlarged on anticipatory bail by this Court vide orders dated 10.07.2019, 31.07.2019 & 05.08.2019 passed in Cr. Appeal (SJ) Nos. 1972 of 2019, 1318



of 2019 and 3202 of 2019 respectively.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 1st Additional Sessions Judge cum Special Judge, Lakhisarai in connection with SC/ST Case No.118 of 2018, arising out of Halsi P.S. Case No. 117 of 2018 (G.R. No.1082/18), subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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