

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4503 of 2019

Arising Out of PS. Case No.-366 Year-2019 Thana- BIHTA District- Patna

Mukesh Singh Son of Late Raj Ballabh Prasad Resident of Lekhan Tola, P.S.-
Bihta, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 02-12-2019 Heard learned senior counsel for the appellant and
learned A.P.P. for the State.

This application for bail has been preferred under
Section 14A(2) of the SC/ST (Prevention of Atrocities)
Amendment Act, 2015 by the appellant against the order dated
06.09.2019 passed in Special Case No. 164 of 2019 arising out
of Bihta P.S. Case No. 366 of 2019 whereby the learned
Additional Sessions Judge XX cum Special Judge, SC/ST Act,
Patna was pleased to reject the prayer for bail of the appellant.

As per the allegation in the FIR, the son of the
informant proceeded on his motorcycle stating that his partner
Mohan Paswan has called him. It is stated by the informant that
the son did not return in the evening and in the morning he
received information from the police that his son had been



murdered. The informant went and identified the dead body of his son and it appeared that he had been shot dead.

It is further stated in the FIR that Chhatish Singh had taken a loan of Rs. 8,00,000/- (Eight Lakhs) from his son and his son had been making a demand for the same which resulted in dispute between the informant's son and Chhatish Singh. It is stated that Chhatish Singh had also threatened him that if the informant's son made demand for money, he would be killed. It is finally stated that the informant was convinced that the son had been killed in conspiracy by Mohan Paswan, Chhatish Singh and the appellant.

It is submitted by learned counsel for the appellant that from perusal of the FIR itself it would be evident that the son of the informant had proceeded on being called by Mohan Paswan and it is further evident that his enmity was with Chhattish Singh. Except for an unfounded suspicion raised by the informant in the FIR, there is no material against this appellant. The appellant is in custody since 12.04.2019. It is further submitted that even in course of investigation nothing has transpired to implicate this appellant.

The prayer for bail is opposed by learned A.P.P. for the State who submits that strong suspicion has been raised by



the informant in the FIR.

In view of the above facts and circumstances, this appeal stands allowed and the order dated 06.09.2019 passed in Special Case No. 164 of 2019 arising out of Bihta P.S. Case No. 366 of 2019 whereby the learned Additional Sessions Judge XX cum Special Judge, SC/ST Act, Patna has been pleased to reject the prayer for bail, is set aside.

The appellant, above named, 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 Additional Sessions Judge XX cum Special Judge, SC/ST Act, Patna, in connection with Bihta P.S. Case No. 366 of 2019.

(Partha Sarthy, J)

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