

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 4652 of 2018**

Arising Out of PS. Case No.-354 Year-2018 Thana- UDWANTNAGAR District- Bhojpur

Arbind Mahto S/o Late Mathura Mahto Resident of Village-Udwanthnagar,P.S.
Udwanthnagar, Distt.-Bhojpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Ranjan Pd. Singh
For the Respondent/s : Mr.Smt Usha Kumari No-1

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

ORAL ORDER

8 11-07-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 11.10.2018 passed by 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Bhojpur at Ara in SC/ST Case No. 224 of 2018 arising out of Udwanthnagar P.S. Case No. 354 of 2018 registered under Section 302 of the Indian Penal Code and Sections 3(1)(r) / 3(2)(v) of the SC/ST Act.

Appellant is said to have taken the elder brother of the informant namely Mohan Mushar to his house in the night for dining. Subsequently dead body of his brother was found on the door of the appellant bearing swelling injury beside the left



eye.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. No motive of the occurrence has been attributed to the appellant. After dining with the appellant, the deceased had left for his house and thereafter appellant has no knowledge about death of the deceased. Doctor conducting the autopsy of the cadaver of the deceased has found only one lacerated muscle deep wound on the lateral aspect of the left eye of the deceased and said injury has not been opined as a cause of death rather doctor sent the viscera of the deceased for its chemical examination and reserved its opinion till receiving of the viscera report. On chemical examination of the viscera of the deceased, no metallic, alkaloidal, glycosidal, pesticidal or volatile poison could be detected in it which rules out the complicity of the appellant in the occurrence. There is no cogent and clinching evidence on record indicating the complicity of the appellant in the occurrence. Appellant has been languishing in custody since 11.09.2018.

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 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 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Bhojpur at Ara in connection with SC/ST Case No. 224 of 2018 arising out of Udwanthnagar P.S. Case No. 354 of 2018.

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

(Prakash Chandra Jaiswal, J)

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