

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.20 of 2020

Arising Out of PS. Case No.-158 Year-2019 Thana- ARIYARI District- Sheikhpura

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UMESH MAHTO Son of Saryug Mahto Resident of Village- Mankaul, P.S.-
Ariyari, District- Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bipin Kumar
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Heard the parties.

The matter relates to grant of anticipatory bail to the
appellant in connection with SC/ST Case No. 68 of 2019 arising
out of Ariyari P.S. Case No. 158 of 2019 registered for the
offences under Sections 302, 201/34 of the Indian Penal Code
and Sections 3(1)(r)(s), 3(2)(v) of the SC/ST (POA) Act.

Allegedly, the husband of the informant had gone to



receive advance money from Ishwar Mahton of village Mankaul for the sale of land but he did not return. Thereafter, the Devar of the informant started his search and in course of that search, the dead body of informant's husband was found.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. Except for suspicion, there is no other substantive evidence to suggest the implication of the appellant in the present case. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the participation of the appellant in the present case. The dead body of the deceased was recovered in an abandoned state from an open field. The alleged occurrence has not taken place within public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 17-12-2019 passed by learned Additional District & Sessions Judge-Ist, Sheikhpura in SC/ST Case No. 68 of 2019



arising out of Ariyari P.S. Case No. 158 of 2019 is set aside.

The present Criminal Appeal is *allowed*.

Accordingly, let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist, Sheikhpura in connection with SC/ST Case No. 68 of 2019 arising out of Ariyari P.S. Case No. 158 of 2019.

(Sudhir Singh, J)

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