

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1665 of 2020**

Arising Out of PS. Case No.-69 Year-2019 Thana- CHANDI District- Nalanda

MANTU GOPE S/o Balchand Gope @ Balchand Yadav @ Valchan Gope
Resident of Village-Bhagwanpur (Satnag), P.S-Chandi, District-Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Vaishnavi Singh, Adv.

For the Respondent/s : Ms. Usha Kumari, Sp.P.P.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 05-11-2020 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State, through video
conferencing.

The instant appeal has been filed by the appellant against the order dated 6.6.2020 passed by the learned 1st Additional District & Sessions Judge, Nalanda at Bihar Sharif, whereby the prayer of the appellant for bail in connection with Chandi P.S Case No. 69 of 2019 registered under sections 302 and 34 of the Indian Penal Code and sections 3(2)(r) of SC & ST Prevention of Atrocities Act was rejected.

As per allegation in the FIR, four named accused persons including the appellant herein as also one Vijendra Choudhary are stated to have threatened the brother of the informant and after having called him, the informant's brother



was found murdered, the next morning.

It is submitted by learned counsel for the appellant that on the basis of the F.I.R filed by the informant, which is contained in Annexure-2 to the petition, a U.D. case no. 96 of 2019 was registered. The informant did not raise any suspicion against any person. It is subsequently as an afterthought that the instant FIR has been lodged. However, from perusal of the FIR also, admittedly the informant is not an eye witness to the occurrence. It is submitted that co-accused Vijendra Choudhary has been enlarged on bail vide order dated 6.2.2020 (Annexure-3) passed in Cr. Appeal (SJ) No. 3391 of 2019. The appellant, who has no criminal antecedent is in custody since 29.11.2019.

The appeal is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and in the facts and circumstances of the case, the Court is inclined to allow this appeal. The appeal is allowed and the order dated 6.6.2020 passed in Chandi P.S. Case no. 69 of 2019 by the learned 1st Additional District & Sessions Judge, Nalanda at Biharsharif is set aside.

The appellant is directed to be enlarged on bail in connection with Chandi P.S. Case No. 69 of 2019 on furnishing



bail bond of Rs.10,000/ (Rupees Ten thousand) only with two
sureties of the like amount each to the satisfaction of the learned
1st Additional District & Sessions Judge, Nalanda at Biharsharif.

(Partha Sarthy, J)

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