

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1717 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- KHARHAGPUR District- Munger

Okil Rajak @ Wakil Rajak S/o Late Bachu Rajak Resident of Village- Gaura,
P.S.- Shampur (Hawali Kharagpur) Dist- Munger.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raj Kumar Choudhary, Adv.
For the Respondent/s : Ms. Usha Kumari, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 14-12-2020 Heard learned counsel for the appellant and learned
Spl.P.P. for the State through video conferencing.

The instant appeal has been preferred against the order dated 4.6.2020 passed by the learned Special Judge, SC/ST Act, Munger whereby the prayer for bail of the appellant in connection with Shampur (Hawali Kharagpur) P.S. Case No.45 of of 2020 registered under sections 302, 201 and 34 of the Indian Penal Code and section 3(2)(v) of the SC and ST (Prevention of Atrocities) Act, 1989, was rejected.

As per allegation in the F.I.R. the grandson (daughter's son) of the informant who was playing near the informant's house suddenly disappeared and later his dead body was discovered. It is stated by the informant that as a result of old enmity he suspects the three accused persons including the



appellant herein to have a hand in the same.

It is submitted by learned counsel for the appellant that the allegations as levelled in the F.I.R. are false and the appellant has been falsely implicated in the case due to old enmity between the parties. No material has transpired against him in course of investigation. Both the appellant and the informant belong to scheduled caste and there is land dispute between them. The appellant is in custody since 24.2.2020 and has no criminal antecedent.

The appeal is opposed by learned Spl.P.P. appearing for the State who submits that while the grandson of the appellant was playing along with others, he disappeared. It is submitted that it has transpired in course of investigation that there is pending land dispute between the appellant and the informant since the last 15 years and for this reason there has been ongoing dispute between the parties. It is submitted that the accused persons were seen in the same area where the dead body of the victim was discovered.

Having heard learned counsel for the parties and taking into consideration that there is no eye witness to the occurrence and there is admitted land dispute between the parties together with the appellant being in custody since



24.2.2020, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 4.6.2020 passed by the learned Special Judge, SC/ST Act, Munger, is set aside.

The appellant is directed to be enlarged on bail in connection with Shampur (Hawali Kharagpur) P.S. Case No.45 of 2020 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 Special Judge, SC/ST Act, Munger.

(Partha Sarthy, J)

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