

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1710 of 2020**

Arising Out of PS. Case No.-151 Year-2020 Thana- TAJPUR District- Samastipur

Shivnath Chaudhary S/o Chotelal Chaudhary Resident of Village-
Raghunathpur, P.S.-Tajpur (Halai), District-Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, 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 15.6.2020 passed by the learned Special Judge, SC and ST Act, Samastipur whereby the prayer for bail of the appellant in connection with Tajpur (Halai) P.S. Case No. 151 of 2020 registered under section 302 of the Indian Penal Code and sections 3(1)(r), 3(1)(s) and 3(2)(v) of the SC and ST (Prevention of Atrocities) Act, 1989, was rejected.

As per allegation in the F.I.R., it is stated that the father of the informant used to work with the appellant and one another in the work of 'Gharami'. It is stated that he was called in the morning by Ramakant Singh and soon thereafter Krishna Singh came and informed that his father had been murdered.



It is submitted by learned counsel for the appellant that except for an unfounded suspicion raised by the informant in the F.I.R., no material has transpired against the appellant in course of investigation. It is submitted that the appellant also belongs to the Scheduled Caste as he is of the caste *Pasi*. No offence under this Act is made out against the appellant. There is no eye witnesses to the occurrence, the appellant is in custody since 8.5.2020 and has no criminal antecedent.

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

Case diary called for in the case, has been received.

Having heard learned counsel for the parties and on going through the materials that has transpired in course of investigation, it transpires that the only reason for implication of the appellant is that he used to work with the deceased and while everyone was going near his body, he was not there.

In view of the submissions made on behalf of the appellant together with the period in custody, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 15.6.2020 passed by the learned Special Judge, SC/ST Act, Samastipur, is set aside.

The appellant is directed to be enlarged on bail in



connection with Tajpur (Halai) P.S. Case No. 150 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, Samastipur.

(Partha Sarthy, J)

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