

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1311 of 2021**

Arising Out of PS. Case No.-257 Year-2020 Thana- DIGHA District- Patna

MANTHAN RAJ @ MANTAN RAI @ PIKKU Son of Late Surendra Rai
Resident of Village - Makhadumpur gate No. 88, P.S.- Digha, District - Patna.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Pramod Kumar Yadav
For the Respondent/s	:	Mr. Sadanand Paswan, Special PP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 25-03-2021 Heard learned counsel for the appellant and the learned
Special P.P. for the State.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for regular bail, vide order dated 2.12.2020 passed by the learned Special Judge, SC/ST Act, Patna in Special Case No. 251 of 2020 in connection with Digha PS Case No. 257 of 2020 instituted for the offence under Section 302 of the Indian Penal Code, and Section 3(2)(v) of the SC/ST Act, and also for setting aside the aforesaid order dated 02.12.2020.

The prosecution case is that the informant's brother was sitting on the banks of Ganga, when inhabitant from Gate No. 88 assaulted him. He has received head injury. It is alleged that



sometime later the accused persons have pushed him and thrown him in the *Nala*.

Learned Senior Counsel for the appellant submits that it is a case of false implication. The appellant is in custody since 12.5.2020 and it is a case of implication based on extraneous consideration as a counter blast to Digha PS Case No. 256 of 2020 which was lodged against family of the informant earlier. It is further submitted that co-accused persons, whose implication is also on similar allegation as the instant appellant, have already been allowed bail from the court below. The appellant bears clean antecedent.

Learned Special PP has opposed the prayer. It is submitted that there is specific allegation that the accused persons have pushed the victim in the *Nala* and the dead body has been recovered from the water body third day after the occurrence. Appellant's name has come in course of investigation

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, be released 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 Special Judge, SC/ST Act, Patna in Special Case No. 251 of 2020 in connection with Digha PS Case No. 257 of 2020.

In the result, the appeal is allowed and the impugned order dated 2.12.2020 is set aside.

(Madhuresh Prasad, J)

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