

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2864 of 2021

Arising Out of PS. Case No.-32 Year-2012 Thana- MANER District- Patna

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Jitendra Rai @ Jethu @ Jethu Rai S/O Late Sri Niwas Rai @ Navesh Ray
R/O Village- Nilkanth Tola, Goraiya Asthan, P.S.- Maner, District- Patna

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sarva Deo Singh, Adv.

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-10-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 04.02.2012 passed by learned Additional District and Sessions Judge-X-cum Special Judge SC/ST, Patna in connection with Maner P.S. Case No. 32 of 2012 registered under Sections 302, 120, 34 of the Indian Penal Code and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is alleged in the FIR that the accused persons namely Ram Niwas Rai, Jitendra Rai (appellant), Kameshwar



Rai and Pahlawan Rai have murdered the son of the informant by strangulation.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. As per informant, death has been done at the hands of accused persons at their house by strangulation but from the postmortem report it appears to be a case of hanging and it is very much possible that dead body of deceased was brought by someone else to the house of accused Ram Niwas Rai which is under construction and without any boundary. He submits that appellant was never informed either by the police or no notice and summons was issued by the court for appearance, therefore, he could not appear before the court for trial. He submits that charge-sheet has already been submitted in this case. He submits that no case under SC/ST Act is made out against the appellant. He further submits that appellant bears no criminal antecedent as stated in para-3 of this petition and he is languishing in judicial custody since 18.09.2020.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, the above named appellant, be enlarged on bail on



furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-X-cum-Special Judge, SC/ST, Patna in connection with Maner P.S. Case No. 32 of 2012.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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