

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2173 of 2021

Arising Out of PS. Case No.-218 Year-2020 Thana- SAUR BAZAR District- Saharsa

MUUNA SAH S/O SATYA NARAYAN SAH RESIDENT OF VILLAGE
KACHARA, P.S. SAURBAZAR, DISTRICT SAHARSHA

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Pawan Kumar Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 26-08-2021 Let the defects be removed within four weeks of the
start of the physical Court.

Heard the parties in virtual Court proceeding.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 12.02.2021 passed by the learned 3rd Additional Sessions Judge cum Special Judge, SC/ST Act, Saharsa in connection with Special Case No. 67 of 2020 arising out of Saurbazar P.S. Case No. 218 of 2020 registered under Sections 302, 120(B)/34 of the I.P.C., and Section 3(i)(r)/V2s of the SC/ST Act.

As per prosecution case, the father-in-law of the informant was taken by the three accused persons including the



appellant herein. The informant suspects that after getting the registered deed executed in the registry office, the accused persons poisoned and killed her father-in-law.

It is submitted by learned Senior Counsel appearing for the appellant that the informant happens to be the cousin daughter-in-law of the appellant. There are no eye witness to the alleged occurrence and only an unfounded suspicion has been raised. There is no motive to commit the alleged crime. Further referring to the material that has transpired in course of investigation, it is submitted that it has transpired that on the alleged date no registered deed was executed by the deceased father-in-law of the informant. Thus the motive also does not exist. The appellant is in custody since 25.12.2020, investigation in the case has concluded and he has no criminal antecedent.

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

Having heard learned counsel for the parties and taking into consideration that facts and circumstances of the case, the material that has transpired in course of investigation together with the submissions made on behalf of the appellant, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 12.02.2021 passed by the learned 3rd



Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Saharsa, is set aside.

The appellant is directed to be enlarged on bail in connection with Special Case No. 67 of 2020 (arising out of Saurbazar P.S. Case No. 218 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 3rd Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Saharsa.

(Birendra Kumar, J)

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