

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1206 of 2020

Arising Out of PS. Case No.-130 Year-2018 Thana- PARSA District- Saran

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1. Arun Kumar, (Male), aged about 25 years, S/o Janak Mahto, R/o village-Saguni, P.S.- Parsa, District- Saran.
 2. Anup Kumar, (Male), aged about 22 years, S/o Janak Mahto, R/o village-Saguni, P.S.- Parsa, District- Saran.
 3. Janak Mahto, (Male), aged about 55 years, S/o Mahavir Mahto, R/o village-Saguni, P.S.- Parsa, District- Saran.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants : Mr.Harish Kumar, Advocate.
For the Respondent : Mr.Binay Krishna,Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-02-2021 Learned counsel for the appellants is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with A.B.P. No. 51/20, arising out of Parsa P.S. Case No. 130/18, registered for the offences under Sections 302, 120 (B), 201/34 of the I.P.C. and 3(2) (va) of the SC./ST Act.

The prosecution case, in short, is that on the alleged date and time of occurrence, the informant's minor daughter



went to ease out but she did not return. In course of search, the informant came to know that some days ago, Vikesh Kumar @ Vikash Kumar threatened to kill her and accordingly, her dead body was found in an Orchard of Banana and Mango belonging to some Bijay Singh and in this way, F.I.R. accused persons suspected to have killed her.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. The appellants have been made accused in the present case with ulterior motive. There is no allegation of tampering with the witnesses alleged against them. Except for this, there is no other substantive evidence to suggest the implication of the appellants in the present case. Neither there is any eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the implication of the appellants in the present case. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 15.02.2020, passed by learned Additional Sessions



Judge-Ist-cum-Special Judge, SC/ST, Saran, in connection with A.B.P. No. 51/20, arising out of Parsa P.S. Case No. 130/18, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- Ist-cum-Special Judge, SC/ST, Saran, in connection with Parsa P.S. Case No. 130/18.

(Sudhir Singh, J)

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