

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1518 of 2020

Arising Out of PS. Case No.-98 Year-2017 Thana- BHAGALPUR GRP CASE District-
Bhagalpur

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1. Dr. Md. Nasar Ahmad @ Md. Nasar Ahmad Son of Late Md. Nizamuddin Resident of Chainpura, P.O. - Chainpura, P.S. - Pahalgaoon, District- Araria.
 2. Santosh Kumar Janak S/O Jyotish Chandra Yadav Resident of Mohalla - New Housing Board Colony, H.No. 5E17/44, Sector -06, P.S. - Barari, P.O. - Barari, District - Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanichar Maholi Son of Late Bishu Mohali Resident of Malakpur, P.S. - Antichak, P.O. - Mathurapur, District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Mishra
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-01-2021 Heard learned counsel for appellants and learned
Special P.P. for the State.

The present appeal has been filed against order dated 07-02-2020 passed by learned A.D.J.-III cum Special Judge, Bhagalpur in A.B.P. No. 256 of 2020, arising out of Complaint Case No. 1607 of 2018, for the offence punishable under Sections 302, 34 of the Indian Penal Code and Section 3(i)(x) of SC/ST Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, on 02-02-2017, the



deceased was found on the railway track in dilapidated condition by the GRP, Bhagalpur and thereafter, U.D. Case No. 10 of 2017 was lodged on 03-02-2017, but when father of the deceased, who is O.P. No. 2, got information of accidental death of his son, he apprehended some foul play and thus, he lodged a complaint on 06-03-2017 against both these appellants alleging that due to some personal vengeance, these appellants, in connivance with some anti-social elements, have committed murder of his son.

It is submitted on behalf of appellants that after investigation, the police submitted final form reporting the case to be “mistake of fact”, as the son of complainant (deceased) was having love affair with a girl and due to financial crisis and poverty, he committed suicide, however; differing with the same, the learned Magistrate has taken cognizance against these appellants. Appellant no. 1 is Principal and appellant no. 2 is Superintendent of *Baba Saheb Bhim Rao Ambedkar SC/ST Awasiye Vidyalaya, Bhagalpur* and no case under the SC/ST Act is made out against these appellants. The appellants have no criminal antecedent, as stated in paragraph – 3 of the memo of appeal.

Considering the aforesaid facts & circumstances as



well as nature of allegation, the impugned order dated 07-02-2020 passed by learned A.D.J.-III cum Special Judge, Bhagalpur in A.B.P. No. 256 of 2020, arising out of Complaint Case No. 1607 of 2018 is set aside and appeal is allowed.

Accordingly, let the appellants, above named, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this order, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-III cum Special Judge, Bhagalpur in connection with Complaint Case No. 1607 of 2018.

(Prabhat Kumar Singh, J.)

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