

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2660 of 2021**

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

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BASANT SAH @ BASANT KUMAR Son of Ganga Sah @ Gango Sah
Resident of village - Kachara, P.S.- Saurbazar, District - Saharsha

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Kanhaiya Prasad Singh, Sr. Adv. Mr. Pawan Kumar Singh, Adv.
For the Respondent/s	:	Smt. Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-08-2021 Heard learned counsel for the parties through video conferencing.

The instant appeal has been preferred against the order dated 27.3.2021 passed by the learned 3rd Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Saharsa whereby the prayer for bail of the appellant in connection with Saur Bazar P.S. Case No. 218 of 2020 registered under sections 302, 120B and 34 of the Indian Penal Code and section 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act, was rejected.

As per prosecution case, the father-in-law of the informant was taken by the three accused persons including the appellant herein. She states that she 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 Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the 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 27.3.2021 passed by the learned 3rd Additional District and Sessions Judge-cum-Special Judge,



SC/ST (POA) Act, Saharsa, is set aside.

The petitioner is directed to be enlarged on bail in connection with Special Case no. 67 of 2020 (arising out of Saur Bazar 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 District and Sessions Judge-cum-Special Judge, SC/ST Act, Saharsa.

(Partha Sarthy, J)

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