

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1485 of 2020

Arising Out of PS. Case No.-102 Year-2019 Thana- NOWKOTHI GARHPURA District-
Begusarai

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MANTUN MAHTO S/o Ramdev Mahto Resident of Village-Rajakpur, Ward
No.13, P.S.-Nawkothe, District-Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sandip Kumar Gautam, Advocate
For the Respondent/s : Ms. Usha Kumari 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 08-01-2021 Heard Mr. Sandip Kumar Gautam, learned counsel for

the appellant and Ms. Usha Kumari 1, learned Additional Public

Prosecutor appearing for the State.

This appeal has been preferred on behalf of the
appellant for setting aside the order dated 2.3.2020 passed by
the learned Special Judge, Schedule Caste/Schedule Tribe
(Prevention of Atrocities Act), Begusarai, in connection with
Nawkothe P.S. Case No. 102 of 2019 registered for the offences
punishable under Sections 364, 201, 34 of the Indian Penal
Code, 1860, Sections 3 (2) and (v) of the Scheduled Caste and
Scheduled Tribe (Prevention of Atrocities) Act, whereby the
prayer for bail of the appellant has been rejected.

The allegation as per the First Information Report is



that nephew (*Bhagina*) of the informant who was sleeping with Raushan Kumar got missing, and in the morning, during course of search of nephew of the informant namely, Ritesh Kumar, the informant found the photograph along with the wife of the appellant in the purse of Ritesh Kumar (since deceased) in his house. The suspicion has been raised against the appellant that the informant's nephew has been killed by the appellant and others and his dead body has been concealed.

Learned counsel for the appellant submits that the appellant has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of suspicion only due to the fact that the photograph of the wife of the appellant was found in the purse of the deceased. Learned counsel further submits that the confessional statement of the appellant has been recorded in which he has confessed his guilt and has stated that in the fateful night, he had seen the deceased along with his wife in objectionable position and he along co-accused namely, Bablu Kumar, has killed the deceased by pressing his neck. Learned counsel also submits that co-accused Bablu Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 4.2.2020 passed in Cr. Appeal (SJ) No. 5433 of 2019. Learned counsel next submits that the



petitioner is in custody since 5.9.2019 and charge sheet has already been submitted.

On the other hand, learned counsel for the State submits that on the basis of confessional statement of the appellant, the dead body of the deceased has been recovered and, hence, the petitioner does not deserve the privilege of regular bail at this stage.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that the charge sheet has already been submitted and there is no apprehension that the petitioner will abscond or tamper with the evidence, this appeal is allowed and the impugned order dated 2.3.2020 passed by learned Special Judge, SC/ST Act, Begusarai, in connection with Nawkothe P.S. Case No. 102 of 2019, is hereby set aside.

Accordingly, let the appellant above name, shall be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Begusarai, in connection with Nawkothe P.S. Case No. 102 of 2019 with condition that the appellant will be well represented on each date in the trial and if he fails to do so on two consecutive dates,



his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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