

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.639 of 2021**

Arising Out of PS. Case No.-236 Year-2019 Thana- KHAIRA District- Saran

Deepak Kumar @ Deepak Mahto aged about 28 years S/O Babu Lal @ Lal Babu Mahto Resident Of Village- Jalalpur (Doriganj), P.S.- Doriganj, District- Saran at Chapra.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Rajani Kumari, Advocate
For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

6 10-08-2021 Heard learned counsel for the appellant and the State.

The present appeal is directed against the order dated 11.6.2020, passed by learned Additional Sessions Judge I cum Special Judge, SC/ST Act, Saran at Chapra in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code, 27 of the Arms Act and Section 3 (1) (r) B(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby regular bail of the appellant has been rejected.

As per the prosecution case, an unidentified dead body with a motorcycle was recovered by the police leading to registration of FIR against unknown.

Learned counsel for the appellant submits that the appellant's name has figured during course of investigation in



confessional statement of co-accused Deepak Rai who has already been allowed bail vide order dated 1.3.2021, passed in Cr.Misc.No. 31027/2020. Appellant is tempo driver and there is no substantive evidence to suggest the implication of this petitioner in the present case. Appellant is in custody since 20.9.2019. Charge sheet has already been submitted.

Learned counsel for the state on the other hand oppose the prayer for bail and submit that the appellant also participated in the alleged occurrence.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 11.6.2020, is set aside.

Accordingly, appellant as named above shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge I cum Special Judge, SC/ST Act, Saran at Chapra in Khaira Police Station Case No. 236 of 2019.

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(Prabhat Kumar Singh, J)

