

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 355 of 2021**

Arising Out of PS. Case No.-114 Year-2020 Thana- ASHOK PAPER MILL District-
Darbhanga

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ARJUN MISHRA S/o Late Rajendra Mishra @ Rajendra Prasad Mishra
Resident of Vill.- Pator, P.S.- Pator O.P. (APM), Distt.- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr Ajay Kumar Thakur, Ms Vaishnavi Singh, M/s Shivam, Shashank Shekhar, Advocates
For the Respondent/s	:	Mr Binay Krishna, Special PP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 16-03-2021

Heard learned counsel for the appellant and the learned
Special PP for the State.

2 The appellant has preferred the present Appeal under
Section 14 (A) (2) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Amendment Act, 2015 (for brevity,
SC/ST Act) against the refusal of his prayer for regular bail vide
order dated 12.10.2020 passed by Additional Sessions Judge I
-cum- Special Judge, Darbhanga in a case registered under
Sections 302, 201, 376/34 of Indian Penal Code, Sections 4/8 of
Protection of Children from Sexual Offences (for brevity, *POCSO*)



Act and Sections 3 (1) (r) (s) & 3 (2) (v) of SC/ST Act in connection with Darbhanga APM (Pator OP) Police Station (for brevity, *PS*) Case No 114 of 2020 dated 01.07.2020.

3 Informant's daughter has been found dead behind the appellant's house. Allegedly, the dead body was having various injuries and it appears as if the daughter had been ravished. In the circumstances, there is allegation of killing after ravishing the daughter of the informant by the appellant and his family members.

4 Learned counsel for the appellant submits that appellant is a man of clean antecedent. Co-accused and family member Poonam Devi has been allowed bail by this Court in Cr Misc No 37369 of 2020. It is further submitted that in the course of investigation, material has come to suggest that the victim has died due to electrocution. Such material completely falsifies the allegations levelled in the First Information Report (for brevity, *FIR*). The injury report also does not corroborate allegation of the victim being ravished before she was done to death.

5 In my opinion, a case for grant of regular bail is made out. The impugned order dated 12.10.2020 requires interference by this Court, which is, accordingly, set aside.



6 Case diary along with post mortem report has been called for. After going through the same, the learned Special PP for the State is not able to dispute the position. He, however, submits that the appellant's own confessional statement suggests that the victim died because she was pushed on a live electric wire.

7 Considering the rival submissions, this appeal is allowed. The impugned order dated 12.10.2020 passed by Additional Sessions Judge I -cum- Special Judge, Darbhanga in connection with Darbhanga APM (Pator OP) PS Case No 114 of 2020 dated 01.07.2020 is set aside.

8 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, Darbhanga in Darbhanga APM (Pator OP) PS Case No 114 of 2020 dated 01.07.2020 subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.



(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.03.2021
Transmission Date	17.03.2021

