

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4049 of 2021**

Arising Out of PS. Case No.-184 Year-2016 Thana- BELAGANJ District- Gaya

MANIK CHAND KHAITAN Son of Late Kailash Chandra Khaitan Resident
of Village - Purani Godowan, P.s.- Kotwali, Distt.- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs.Pruna Rishi, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 15-12-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned counsel for the appellant is directed to remove the defects, as pointed out by the office within four weeks. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

This is an appeal under section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 14.09.2021, passed by learned Exclusive Special Judge, SC/ST, Gaya, in connection with Belaganj P.S. Case No.184 of 2016, registered under sections 302, 201 and 34 of the IPC, 1860 and sections 3(2)(va) of SC and ST (POA) Act, 1989.



The crux of the prosecution case is that husband of the informant was killed and his dead body was found hung on a Peepal tree near Sonpur Surya temple. It is alleged that the appellant along with other accused persons have threatened the deceased earlier to clear the debt.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He has been falsely implicated in this case on baseless suspicion. There is no eye-witness to the alleged occurrence or to the kidnapping the informant's husband by the appellant. There is general and omnibus allegation against the appellant. It is submitted that after investigation, police has submitted the final form against the appellant showing the case false against the appellant but the court has deferred the final form to take the cognizance against the appellant. Thereafter the appellant was arrested and taken into custody on 11.08.2021. It is further submitted that no case under the SC/ST Act is made out against the appellant as no specific allegation of abusing the informant or the deceased is attributed upon the appellant. Similarly situated co-accused namely Mahender Choudhary has been granted bail vide Cr. Misc. No.51259 of 2016 dated 05.12.2016. The appellant has no criminal antecedent, which is also



mentioned in para-3 of the memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail and submits that the appellant is the named accused in the present case.

Since, no allegation of abusing the informant or the deceased is attributed upon the appellant, there is no necessity of issuing notice to the informant, which is otherwise required in a case registered under the SC/ST Act.

In the facts and circumstance of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned learned Exclusive Special Judge, SC/ST, Gaya, in connection with Belaganj P.S. Case No.184 of 2016.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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