

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.688 of 2021**

Arising Out of PS. Case No.-78 Year-2019 Thana- KIUL District- Lakhisarai

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Jivan Mandal @ Pawan Kumar Son of Sitaram Mandal Resident of Village-
Bichhave, P.S.- Kiul, Distt- Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrigendra Kumar, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl.PP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 19-07-2021 Heard learned counsel for the petitioner and learned
Spl.PP for the State through video conferencing.

The instant appeal has been preferred by the appellant for setting aside the order dated 4.11.2020 passed by the learned Additional District and Sessions Judge-1st -cum-Special Judge, Lakhisarai, whereby the prayer for bail of the appellant in connection with Kiul P.S. Case no. 78 of 2019 (SC/ST Case no. 58 of 2019) registered under sections 302 and 34 of the Indian Penal Code and section 3(2)(v) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R., the father of the informant was called and taken away by Gaurav Mahto and Arvind Kumar. Thereafter it is stated that Binod Mahto and Nitish Kumar were also seen with them. There is ongoing land



dispute between the parties. Subsequent thereto the father of the informant did not return and his dead body was found.

It is submitted by learned counsel for the appellant that neither the appellant is named in the F.I.R. nor any suspicion has been raised against him. The dead body of the appellant was discovered with the gunshot injury in a tempo. The appellant being the owner of the said tempo has been falsely implicated in the case only on the basis of suspicion. There are no eye witness to the occurrence. The appellant has no concern nor any dispute with the deceased. He is in custody since 16.9.2020 and has no criminal antecedent.

The prayer for bail is opposed by learned Spl.P.P. appearing for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellant together with the appellant having remained in custody for more than 10 months, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 4.11.2020 passed by the learned Additional District and Sessions Judge-1st -cum-Special Judge, Lakhisarai in Kiul P.S. Case no. 78 of 2019 (SC/ST Case no. 58 of 2019), is set aside.

The appellant is directed to be enlarged on bail in



connection with Kiul P.S. Case no. 78 of 2019 (SC/ST Case no. 58 of 2019) 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 Additional District and Sessions Judge-1st -cum-Special Judge, Lakhisarai.

(Partha Sarthy, J)

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