

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.675 of 2021**

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

ARBIND KUMAR @ ARVIND KUMAR SAH Son of Bangali Sah Resident
of Village - Bichhwey, P.S. - Kiul, District - Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 08-03-2021 Heard learned Counsel for the appellant and learned
Additional Public Prosecutor for the State.

An order, dated 04.11.2020 passed by learned 1st
Additional Sessions Judge -cum- Special Judge, Lakhisarai, in
B.P. No. 996 of 2020, is under challenge in the present appeal
preferred under Section 14-A(2) of the Scheduled Caste and
Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby
the regular bail application of the appellant in connection with
Kiul Police Station Case No. 78 of 2019 registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code and Section 3 (2) (v) of the Scheduled Caste and
Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been
rejected.

The prosecution case, as per the First Information



Report, is that the appellant, along with another co-accused person, Gaurav Kumar, called the father of the informant from his house. It has further been alleged that Binod Mahto and Nitish Kumar, with whom land dispute was going on, were also standing nearby and they also accompanied the father of the informant. It has further been alleged that father of the informant did not return home in the evening and in the next morning, at about 6 AM, the dead body of the father of the informant was found. It has been alleged that all the four accused persons have killed the father of the informant.

Learned Counsel appearing on behalf of the appellant submits that the appellant has not committed any offence in the manner alleged and in course of investigation, it transpires that one auto rickshaw of one Jiwan Mandal, in which the father of the informant was travelling, had met with an accident, leading to the death of the father of the informant. He further submits that there is no dispute between the appellant and the family member of the informant and at best it is a case of last seen. He next submits that the appellant is in custody since 15.09.2020, having no criminal antecedent and charge sheet has also been submitted against him. He, referring to Annexure-2 series, submits that similarly situated co-accused person, Gaurav



Kumar (by order, dated 06.12.2019, passed in Criminal Appeal (SJ) No. 4728 of 2019) and other co-accused persons, Nitish Mahto and Binod Kumar (by order, dated 06.07.2020, passed in Criminal Appeal (SJ) No. 915 of 2020), have been granted bail by co-ordinate Benches of this Court.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that similarly situated co-accused person has been granted bail by this Court and there is no specific allegation against the appellants, I am inclined to grant regular bail to the appellant.

Accordingly, this appeal is allowed and the order, dated 04.11.2020, passed in B.P. No. 996 of 2020, by learned 1st Additional Sessions Judge -cum- Special Judge, Lakhisarai, is set aside.

Let the appellant, above named, 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 1st Additional Sessions Judge -cum- Special Judge, Lakhisarai, in connection with Kiul Police Station Case No. 78 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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