

Arising Out of PS. Case No.-277 Year-2021 Thana- SHIVSAGAR District- Rohtas

... .. Appellant/s

Versus

- Respondent/s

For the Appellant/s : Mr. Shankar Kumar, Advocate
For the Respondent/s : Mr. Sadanand Prasad, SPP

3 01-09-2022 Heard Md. Shankar Kumar, learned counsel for the
appellant as well as Ravindra Kumar ,learned counsel for the
informant and learned APP for the State.

The present appeal under Section 14(a) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter referred to as the SC/ST Act) preferred against the order dated 03.01.2022 passed by the learned Additional District & Sessions Judge, 17-cum Special Judge SC/ST Act, Rohtas at Sasaram in connection with Shivsagar P.S.Case No. 277 of 2021 instituted for the offence under Sections 302, 120(B), 34 of the Indian Penal Code and section 3(2) (Va) of SC/ST Act whereby prayer for bail of the



appellant has been rejected.

As per the prosecution case, it is alleged that on 09.09.2021 at about 5 pm in the evening the petitioner along with co-accused Vishwanath Bind hired the tempo of husband of the informant to go to Darigaon and thereafter, the husband of the informant did not return. The informant came to know that both the accused persons have killed her husband and threw the dead body into the canal. It is further alleged that the dead body of the husband was recovered on 11.09.2021.

Learned counsel appearing on behalf of the appellant submits that save and except the allegation that the petitioner has hired the tempo of the husband of the informant/ respondent no. 2, there is no other material against the appellant. It is next submitted that the informant is not an eye witness to the alleged occurrence even during the course of investigation, no other witness has come to support the allegation that the petitioner has killed the deceased. He further submits that neither there is any motive nor it has come that any incriminating material has been recovered from the person or possession of the appellant. It is next submitted that the appellant is in custody since 21.09.2021, having fair antecedent.

On the other hand, learned counsel for the informant



as well as the Public Prosecutor for the State opposed the prayer for bail of the appellant and submits that the appellant has taken away the husband of the informant and thereafter the dead body of the deceased was found. He further submits that trial has already commenced and out of eight charge sheet witnesses two have been examined. It is next submitted that during the course of trial the witnesses have supported that the appellant and co-accused persons, were instrumental in causing death of the deceased.

Considering the submission made on behalf of the appellant and taking into consideration the fact that there is no eye witness to the alleged occurrence nor there is any cogent material showing the complicity of the appellant in killing of the deceased, apart from the fact that the informant has already been examined and the appellant is in custody since 21.09.2021, let the above named appellant, be enlarge on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-17 cum Special Judge SC/ST Act, Rohtas at Sasaram in connection with Shivsagar P.S.Case No. 277 of 2021.

It is expected that the learned trial court will take all



necessary measures to expedite the trial of the appellant as early as possible.

Accordingly, the impugned order dated 03.01.2022 is hereby, set aside and the present appeal stands allowed.

(Harish Kumar, J)

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