

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.844 of 2022

Arising Out of PS. Case No.-554 Year-2020 Thana- NAUBATPUR District- Patna

Tuntun Kumar @ Tuntun Yadav Son Of Ramdev Ray @ Ramdev Yadav R/O
- Reganiyabagh, Dhobiakalapur, P.S.- Naubatpur, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Bablu Manjhi son of late Chandip Manjhi resident of village- Tiskhora, P.S- Naubatpur, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rahul Kumar, , Adv
For the Respondent/s : Mr. Pramod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-09-2022 Heard Mr. Rahul Kumar, learned counsel for the

appellant as well as Mr. Pramod Kumar learned Special Public

Prosecutor 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 (POA)
Act) preferred against the order dated 16.04.2021 passed by the
learned Additional Sessions Judge-III cum Special Judge,
SC/ST (POA) Patna, in connection with Naubatpur P.S.Case No.
554 of 2020 instituted for the offence under Sections 302/34 of
the Indian Penal Code and section 27 of the Arms Act and
section 3(2) (v) of SC/ST Act, whereby prayer for bail of the



appellant has been rejected.

The prosecution case is based on the fardbeyan alleging therein that on 28.10.2020 at about 5.30 pm on account of some trifling issue an altercation took place between the father of the informant (deceased) and Tuntun Yadav (petitioner). On the next day while, the informant was sleeping in another house, in the meantime, at about 11.30. p.m, he heard some hulla whereupon, he rushed to the spot and saw his father was lying in pool of blood and an empty cartridge and Adhar card was recovered from the place of occurrence.

Learned counsel appearing on behalf of the appellant submits that there is no eye witness to the alleged occurrence and only because some altercation which took place a day before the occurrence, the name of the appellant has been implicated in this case. He next submits that in fact no incriminating material, much less Adhar card and empty cartridge was recovered from the place of occurrence but only with a view to implicate the name of the appellant, it has been shown that Adhar card of the petitioner was found on the place of occurrence. It is next submitted that appellant having fair antecedent is in custody since 01.11.2020.

On the other hand, learned counsel for the respondent



no. 2 vehemently opposed the bail application of the appellant and submits that there is material evidence showing the complicity of the petitioner and his Adhar card was found on the place of occurrence, where father of the informant was done to death. He next submits that the motive of killing is also apparent from the fact that prior to the occurrence, quarrel has taken place between the deceased and the appellant.

Regard being had to the materials available on the record as also the fact that the entire case is based on suspicion and moreover, the appellant is in custody since 01.11.2020 , having fair antecedent, let the above named appellant, be enlarge on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III Special Judge, Patna in connection with Naubatpur P.S.Case No. 554 of 2020.

Accordingly, the impugned order dated 16.04.2021 is hereby, set aside and the present appeal stands allowed.

(Harish Kumar, J)

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