

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.490 of 2022

Arising Out of PS. Case No.-104 Year-2020 Thana- ALAMNAGAR District- Madhepura

1. Anishek Mehta@Anshekh Mehta Son Of Chandeshwari Mehta Resident Of Village- Bajraha, Police Station- Alamnagar, District- Madhepura
2. Sachcho Mehta @ Sachchitanand Mehta @ Sachchidanand Mehta Son Of Late Bimal Mehta Resident Of Village- Bajraha, Police Station- Alamnagar, District- Madhepura
3. Mushri Mehta @ Murari Mehta @ Murlidhar Mehta Son Of Late Bimal Mehta Resident Of Village- Bajraha, Police Station- Alamnagar, District- Madhepura
4. Basant Mehta @ Prasun Kumar Mehta @ Prasun Kumar @ Basant Kumar Mehta Son Of Late Bimal Mehta Resident Of Village- Bajraha, Police Station- Alamnagar, District- Madhepura
5. Suresh Mehta Son Of Late Bimal Mehta Resident Of Village- Bajraha, Police Station- Alamnagar, District- Madhepura
6. Rajesh Mehta Son Of Sadanand Mehta Resident Of Village- Fulaut, Police Station- Chousa (FULAUT), District- Madhepura

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Viveka Nandsingh

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-11-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is an appeal under Section 14(a)(2) 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 of anticipatory bail vide order dated 19.01.2021 passed by learned Additional District and Sessions Judge Ist cum Special Judge, Madhepura in connection with Alamnagar P.S. Case No. 104/2020 registered under Sections 302 and 120B of the Indian Penal Code, Sections 27 of the Arms Act and Section 3(i)(R)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is no eye witness in this case only on the suspicion appellants have been made accused in this case. Prior to filing of the present case on 07.12.2018 aforesaid Ashok Yadav (who has been named in the F.I.R. in the present case) and others killed the grandson of the appellant no.5, namely, Ayush Kumar for which appellant no.5 filed Alamnagar P.S. Case No.264/2018 dated 07.12.2018 under Sections 302, 120B and 34 of the I.P.C. and Section 27 of the Arms Act. In the case diary no witness has supported the prosecution case. Earlier the bail application of Similarly situated other co-accused persons was rejected by the Co-ordinate Bench of this Court vide order dated 26.09.2022 passed in Criminal Appal (SJ) No.1500/2022.



Appellant no.6 have got no criminal antecedent and appellant nos.1-5 have one criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case and the fact that from perusal of the case diary it is clear that there is no eye witness in the present case only on suspicion appellants have made accused in the present case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge Ist cum Special Judge, Madhepura in connection with Alamnagar P.S. Case No. 104/2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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