

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.795 of 2022

Arising Out of PS. Case No.-136 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Chandan Kumar Son of Sri Umesh Sahani Resident of Village- Ismilpur, P.S.-
Hazipur Sadar, District- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Paswan Son of Late Nageshwar Paswan Resident of Village-
Ismailpur,P.S-Sadar Hajipur,District-Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pranav Kumar Jha, Adv.
For the Respondent/s	:	Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 23-11-2022

Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Vide order dated 07.07.2022, informant was permitted
to add respondent no. 2 and notice was issued.

From the office notes, it transpires that the said notice
has been validly served, service report attached.

The present appeal under Section 14(A)(2) of the
Scheduled Caste/Scheduled Tribe, Prevention of Atrocities Act,
(hereinafter referred to 'SC/ST Act') has been preferred against
the order dated 14.02.2022 passed by the learned Additional
Sessions Judge 1st-cum-Special Judge SC/ST Act, Vaishali at

Hajipur in connection with Hajipur Sadar P.S. Case NO. 136 of 2020 lodged under Sections 302/34 of the I.P.C. read with Sections 3(2)(v)(a) of SC/ST Act.

As per the prosecution case, the informant has alleged and filed this case against 3 named accused persons including the present appellant that on 21.02.2020, the deceased alongwith his 4 friends went to see the Shivratri Mela. When not returned, then upon enquiry from their friends, they disclosed that the deceased requested to return home then all made an arrangement so that he may return from boat to his house. It has been alleged that on the said boat, 3 named persons were sitting including the present appellant. Upon search, it was found that the dead body of the brother of the informant was recovered from the river itself and upon strong suspicion, the present case has been filed against the appellant and others.

Learned counsel for the appellant submits that appellant is innocent and has committed no offence. He submits that antecedent of the appellant is clean and he is in custody since 24.01.2022 and in the F.I.R., his name has come merely on suspicion, save and otherwise suspicion, there is no other cogent material on record. Charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail but fairly submits that only on the basis of suspicion, name of the present appellant has figured in this case.

In the present facts and circumstances of this case and the submissions made above, let the appellant above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum-Special Judge SC/ST Act, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 136 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

Accordingly, the impugned order dated 14.02.2022 passed by learned Additional Sessions Judge 1st-cum-Special Judge SC/ST Act, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 136 of 2020 is hereby set aside and the present appeal is allowed.

With this observation, the appeal stands allowed.

(Dr. Anshuman, J.)

sadique/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	