

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.820 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- MAHISHI District- Saharsa

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Pramod Chaupal S/O Sri Ram Bilash Chaupal Resident of Village- Aina Tola-
Dadrahi, Ward No.08, P.S.- Mahishi, District- Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-07-2022 Heard learned counsel for the appellant.

No one appears on behalf of the State.

At the very outset, learned counsel for the appellant submits that appellant belongs to Scheduled Castes community and as such no notice is required to be issued to the informant as per the mandate of Section 15A(3) of the Scheduled Castes and Scheduled Tribes Act.

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 28.01.2022 passed by the learned Additional Sessions Judge -III, Saharsa cum Special Judge SC/ST Act in connection with Special Case No. 73 of 2021 arising out of Mahishi P.S.Case No. 61 of 2021, instituted



for the offence under Sections 302,201,120B/34 of the Indian Penal Code and section 3(i)(x) of SC/ST Act whereby prayer for bail of the appellant has been rejected.

As per the prosecution case, it is alleged that on 04.04.2021 in the morning nephew of the informant went to Saharsa to bring labourer. At about 9 am he talked to his wife thereafter his mobile phone has found switched off. Further it is alleged that later on the dead body of the nephew of the informant was found. It is also alleged that prior to the alleged occurrence, one Mukesh had called several times on his mobile and a suspicion has been raised against Mukesh and five other persons, who have been allegedly making conspiracy to kill his nephew.

Learned counsel on behalf of the appellant submits that the appellant is not named in the FIR and during the course of investigation the name of the appellant has surfaced. It is further submitted that there is no eye witness to the alleged occurrence and save and except suspicion there is no other material has come in the present crime. It is also submitted that one of the co-accused namely, Mithun Kumar Sharma, whose name has also transpired during the course of investigation, has been granted bail by the learned co-ordinate Bench of this Court



in Cr.Appeal No. 3147 of 2021 vide order dated 09.09.2021, copy of which has been annexed as Annexure-2 to the memo of appeal. It is lastly submitted that this appellant is in custody since 28.01.2022 having clean antecedent and moreover, investigation of the crime has already been concluded and the charge sheet has been submitted.

Considering the submission made on behalf of the appellant and taking into consideration the fact that the name of the appellant has come on mere suspicion and there is no specific allegation against him and moreover person having similar allegation has been granted bail and he is in custody since 28.01.2022 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 SC/ST Saharsa in connection with Mahishi P.S.Case No. 61 of 2021.

Accordingly, the impugned order dated 28.01.2022 is set aside and the present appeal is hereby allowed.

(Harish Kumar, J.)

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