

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.948 of 2022**

Arising Out of PS. Case No.-122 Year-2021 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Roushan Kumar, S/o Late Palo Mahto, R/o Village - Panchi, P.S. - Sheikhopur
Sarai, District - Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mrs.Rina Sinha, Advocate
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.PP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 03-11-2022

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

From perusal of office note shows notice has been
validly served upon respondent no. 2 but no one is present on
behalf of the respondent no.2, hence the matter has been put up
for hearing in absence of respondent no.2.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by
order dated 15.02.2022 passed by the learned 1st Additional
District and Sessions Judge, Sheikhpura in connection with



SC/ST Case No. 50 of 2021 arising out of Sheikhopur Sarai P.S. Case No. 122 of 2021, registered for the alleged offences under Sections 147, 148, 149, 302, 504 and 506 of the Indian Penal Code and Sections 3(1)(r)(s) and (3)(ii) (v) of the Scheduled Castes and Scheduled Tribes Act.

As per the prosecution case, while the informant and his father had been returning home after attending the call of nature, the appellant and other co-accused persons, variously armed, surrounded the father of the informant and co-accused Prahlad Kumar Prasad fired upon the chest of the father of the informant, who died on the spot. The occurrence took place in the background of illicit relation of co-accused Prahlad Kumar Prasad with the wife of co-accused Anandi Manjhi which was opposed by the father of the informant.

The learned counsel for the appellant submits that the allegation against the appellant is quite vague and utmost the appellant could be said to be a member of mob. There is no allegation that he took part in killing of the father of the informant. It is not the case of the informant that the appellant was armed or assaulted the father of the informant. Moreover, only specific allegation is against co-accused Prahlad Kumar Prasad. The informant registered the FIR after delay of 14 hours



and he took this time to falsely implicate this appellant. Similarly situated co-accused Anandi Manjhi has been granted bail by a Co-ordinate Bench of this Court vide order dated 12.05.2022 passed in Cr. Appeal (SJ) No. 4932 of 2021. The appellant is in custody since 20.01.2022 and the charge sheet has been submitted in this case.

Learned Spl.PP opposes the submission made on behalf of the appellant.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of any specific allegation against the appellant and thrust of main allegation of causing death of the father of the informant being against the co-accused, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge, Sheikhpura in connection with SC/ST Case No. 50 of 2021 arising out of Sheikhopur Sarai P.S. Case No. 122 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of



the appellant.

(ii) The appellant will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.11.2022
Transmission Date	04.11.2022

