

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.121 of 2022

Arising Out of PS. Case No.-312 Year-2021 Thana- EKMA District- Saran

=====

Bhoti Kumar @ Prince Kumar Son of Raju Mahto @ Raju Kumar Resident of
Village- Parsagarh, Bazar, P.S.- Ekma, District- Saran (Chapra).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 152 of 2022

Arising Out of PS. Case No.-312 Year-2021 Thana- EKMA District- Saran

=====

Bechu Kumar @ Bechu @ Krishna Patel Son of Hareram Patel Resident of
Village - Parsagadh Umashankar More, P.S. Ekma, District - Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 296 of 2022

Arising Out of PS. Case No.-312 Year-2021 Thana- EKMA District- Saran

=====

Rajiv Kumar S/O- Rajkumar Mahto R/o Village- Tarwaniya, P.S.- Ekma,
District- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dindayal Sah Son of Late Sukhari Sah R/o Village- Parsagardh Umashankar
Mor, P.S.- Ekma, District- Saran.

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 986 of 2022

Arising Out of PS. Case No.-312 Year-2021 Thana- EKMA District- Saran

=====

Suraj Kumar Son of Kois Prasad @ Raj Kumar Patel Resident of Village-
Parsagadh Umashanker More, P.S.- Ekma, District- Saran at Chhapra.



... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 121 of 2022)

For the Appellant/s : Mr.Mukesh Kumar Singh, Advocate

For the State : Mr.Usha Kumari 1, APP

For the Informant : Mr. Ajay Kr. Singh No.1.

(In CRIMINAL APPEAL (SJ) No. 152 of 2022)

For the Appellant/s : Mr.Jitendra Narain Sinha, Advocate

For the State : Mr.Binay Krishna, Spl.P.P

For the Informant : Mr. Ajay Kr. Singh No.1.

(In CRIMINAL APPEAL (SJ) No. 296 of 2022)

For the Appellant/s : Mr.Anant Kumar Bhaskar

For the State : Mr. Binay Krishna, Spl.P.P.

For the Informant : Mr. Ajay Kr. Singh No.1.

(In CRIMINAL APPEAL (SJ) No. 986 of 2022)

For the Appellant/s : Mr.Jitendra Narain Sinha

For the State : Mr.Usha Kumari 1

For the Informant : Mr. Ajay Kr. Singh No.1.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 23-06-2022

Since all the aforesaid appeals arise from Ekma P.S.

Case No.312 of 2021, as such, they have been heard together
and are being disposed of by this common judgment.

Heard learned counsel for the appellants, learned
counsel for the State and learned counsel for the Informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

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 14.12.2021 passed by the learned 3rd Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Ekma P.S. Case No. 312 of 2021, registered under Sections 302/34 of the Indian Penal Code and Sections 3 (2) (v) of SC/ST Act.

Learned counsel for the appellants has submitted that there is no eye witness to the occurrence and no motive for the killing. Merely on the basis of suspicion, the appellants have been made accused in the instant case. Except for the confessional statement of the co-accused Suraj Kumar, there is nothing on record to implicate the appellants in the alleged offence. The appellants are in custody since 02.08.2021. Learned counsel for the appellants submits that innocent mind of the appellants and co-accused could be inferred from the fact that all of them were present in their houses when the police went to arrest them.

Learned Special PP as well as the informant has opposed the prayer for bail, submitting that the appellants caused the death of the son of the informant as they assaulted him with knife, lathi and danda and the injury report as well as post mortem report corroborates the story of FIR. Learned counsel further submitted that from the FIR itself, it is clear that



the appellant Suraj Kumar admitted the fact that he along with other co-accused persons assaulted the son of the informant.

Having regard to the submissions made here-in-above and considering the fact that the instant case is based on circumstantial evidence and there has not been any recovery of any weapon used in the assault and further considering the fact that no specific overt act has been attributed to any of the appellants, let the appellants, above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Ekma P.S. Case No. 312 of 2021, subject to the following conditions:

- (i) The bail bond of the appellants will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the appellants.
- (iii) The appellants will remain present on each and every date fixed by the court below.
- (iv) In case of absence for three consecutive



dates or in violation of the terms of the bail,
the bail bond of the appellants 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)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	26.06.2022
Transmission Date	26.06.2022

