

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1317 of 2022**

Arising Out of PS. Case No.-286 Year-2021 Thana- KONCH District- Gaya

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Ramjeevan Paswan Son of Mr. Ramsakal Paswan @ Sakal Paswan Resident
of Village - Donch Dih, P.s.- Konch, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Baby Devi W/O Late Mritunjay Das Resident Of Village - Konch Dih, P.S.-
Konch, Distt.- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Vaishnavi Singh, Advocate
For the Respondent/s	:	Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-07-2022 Heard learned counsel for the appellant.

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 10.3.2022 passed by the learned Exclusive Special Judge SC/ST (POA),Act, Gaya in connection with Konch P.S.Case No. 286 of 2021 instituted for the offence under Sections 302,120B/34 of the Indian Penal Code and section 27 of the Arms Act and section 3(2)(v) of SC/ST Act whereby prayer for bail of the appellant has been rejected.

As per the prosecution case, it is alleged that on



02.09.2021, at about 7 pm the husband of the informant received a call, thereafter he went out from the house and did not return. It is further alleged that on 03.09.2021, the dead body of her husband was found near the field.

Learned counsel on behalf of the appellant submits that from the FIR, it is evident that the husband of the informant left the house on 02.09.2021 and the dead body was found on 03.09.2021 but the present FIR has been instituted on 04.09.2021 and infact, the same has been lodged after due deliberation. It is next submitted that save and except suspicion, there is no allegation as such. It is also submitted that even during the course of investigation except the fact that petitioner was seen with the deceased and there is CDR of the mobile which suggest the complicity of the appellant in the present crime. It is also submitted that even the CDR of the mobile shows that his mobile location was not shown along with the location of the deceased. It is lastly submitted that this appellant is in custody since 16.10.2021.

On the other hand, learned counsel for the informant and respondent no. 2 vehemently opposes the bail application and submits that there is strong suspicion against the appellant.

Considering the submission made on behalf of the



appellant and taking into consideration the fact that except there is delay in lodging the FIR and apart from the fact that except strong suspicion, nothing has come against the petitioner and he is in custody since 16.10.2021, 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 Exclusive Special Judge SC/ST (POA), Gaya in connection with Konch P.S.Case No. 286 of 2021.

Accordingly, the impugned order dated 10.03.2022 is set aside and the present appeal is hereby allowed.

(Harish Kumar, J)

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