

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1330 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- KARTAHA District- Vaishali

Chandan Kumar S/O Bantha Singh @ Anantlal Singh R/O Village- Kartaha
Jagdishpur, P.S.- Kartaha, District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Singh, Adv
For the Respondent/s : Mr. Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-09-2022 Heard Md. Sunil Kumar, learned counsel for the
appellant and learned SPP for the State.

In compliance of order dated 14.07.2022, notice has been issued to the respondent no. 2 and the same has been validly served upon him. However, non appears on behalf of the respondent no. 2 .

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 22.03.2022 passed by the learned Special Judge SC/ST Vaishali at Hajipur in connection with Kartaha P.S.Case No. 80 of 2021 instituted for the offence under Sections 302, 201/34 of the Indian Penal Code and section 3(2) (v) of SC/ST Act whereby prayer for bail of the



appellant has been rejected.

The prosecution case is based on a written report filed by the informant alleging therein that on 27.11.2021 all the FIR named accused persons including the appellant along with unknown persons came to the house of the informant and asked his father to accompany them but his mother did not let him go. It is further alleged thereafter his father went away from his house to attend the nature call and his mother saw he went towards Bhatauli Chaur with accused persons thereafter, his father did not return. In the morning his dead body was found at Bhatauli Chaur.

Learned counsel appearing on behalf of the appellant submits that admittedly, the occurrence is said to have taken place on 27.11.2021 and in the meantime, the inquest report as well as post mortem report has been made but at no point of time any complaint/ information has been given to the police with regard to involvement of the appellant and others. However, the FIR has been instituted after two days alleging therein that the appellant and others were lastly seen with the father of the informant, though from the FIR, it would be evident that when the accused persons including the appellant had come his father did not accompany with them. He further



submits that save and except the allegation that father was lastly seen along with the co-accused persons and the appellant, there is no other material suggesting the complicity of the petitioner in the crime. He next submits that neither there is an eye witness to the alleged occurrence nor any independent witness has come to support the prosecution version. While concluding his submission, he lastly submits that appellant having fair antecedent is in custody since 01.12.2021 and moreover, investigation of the crime is already completed.

On the other hand, learned counsel for the informant as well as the Special Public Prosecutor for the State opposed the prayer for bail of the appellant.

Regard being had to the submission made on behalf of the parties and considering the nature of allegation, apart from delay in lodging of the FIR and the period of incarceration of the appellant, let the above named appellant, be enlarge on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Vaishali at Hajipur in connection with Kartaha P.S. Case No. 80 of 2021, subject to the condition that one of the bailors will be the close relatives of the appellant with further conditions which are



as follows:-

(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

Accordingly, the impugned order dated 22.03.2022 is hereby, set aside and the present appeal stands allowed.

(Harish Kumar, J)

N.K/-

U		T	
---	--	---	--

