

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1468 of 2022

Arising Out of PS. Case No.-137 Year-2021 Thana- CHAKIA District- East Champaran

SANJAY SINGH Son of Lalan Singh Resident of Village - Parsauni Khem,
P.S.- Chakia, Distt.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. RAGNI KUMARI W/o Late Bittu Ram @ Pintu Ram Resident of Village - Parsauni Khem, P.S.- Chakia, Distt.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs.Nitu Kumari, Advocate Mr.Yogendra Kumar Singh, Advocate Mr.Ratneshwar Prasad, Advocate
For the State	:	Mr.Usha Kumari 1, Special PP
For the Informant	:	Mr. Prateek Tandon, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 08-09-2022

Heard learned counsel for the appellant and learned
APP for the State.

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 vide
order dated 08.04.2022 passed by the learned Special Judge,
SC/ST Act, East Champaran, Motihari in connection with
Chakia P.S. Case No. 137 of 2021 registered for the alleged



offences under Sections 341, 323, 324, 307, 504, 506, 34 and 302 of the Indian Penal Code and Sections 3(r) (s) of the Scheduled Castes and Scheduled Tribes Act.

As per prosecution case, the informant received information about her husband being grievously injured by some sharp weapon and her body lying near the railway crossing and she reached there brought him to the hospital and at the time of lodging the FIR, his treatment was going on. The informant named the appellant and the other co-accused persons who might have assaulted her husband and threw away the body of the informant taking him to be dead. During treatment, the husband of the informant succumbed to his injury.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case there is no eye witness to the whole occurrence and merely on suspicion, the appellant has been made accused in this case. The informant has named the appellant and other co-accused persons only on the basis of her doubt and there is no cogent material to connect the appellant with the alleged occurrence. The co-accused Teni Mahto has been granted bail by a Coordinate Bench vide order dated 05.05.2022 passed in Cr. Appeal (SJ) No. 4618 of 2021 and another co-accused Rameshwar Mahto



has been granted bail by the same Coordinate Bench vide order dated 08.02.2022 passed in Cr. Appeal (SJ) No. 4384 of 2021. The case of the appellant is similarly placed. Learned counsel further submits that the appellant is having clean antecedent and he is in custody since 08.09.2021. Charge sheet has been submitted in this case.

Learned Special APP for the State and learned counsel appearing on behalf of the respondent no. 2 opposes the submission made on behalf of the appellant.

Having regard to the facts and circumstances and considering the general nature of allegation without any specific overt act attributed to the appellant and further considering distinct lack of material against the appellant to connect him with the murder of the husband of the informant and also considering the clean antecedent of the appellant and his period of custody along with submission of charge sheet, 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 Special Judge SC/ST Act, East Champaran, Motihari in connection with Chakia P.S. Case No.137 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 stands allowed.

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.09.2022
Transmission Date	13.09.2022

