

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2112 of 2022

Arising Out of PS. Case No.-106 Year-2021 Thana- KHAGARIA District- Khagaria

Sintu Kumar Son of Late Mantu Ram Resident of Village - Dhansurpur,
Police Station - Salimpur, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arun Manjhi Son of Sudheswar Manjhi Resident of Village- Karnaiti, Police Station- Bakhtiyarpur, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Kashyap, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Sp.PP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-10-2022 Heard Mr. Ashok Kumar Kashyap, learned counsel
for the appellant and learned Special Public Prosecutor for the
State.

Supplementary affidavit has been filed on behalf of
the appellant stating therein that on account of inadvertence, the
date of arrest of the appellant has been wrongly mentioned. The
appellant was apprehended on 26.03.2022.

Despite valid service of notice of respondent no. 2
none appears on behalf of 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 01.06.2022 passed by the learned Special Judge SC/ST cum Additional Sessions Judge-I, Khagaria in connection with special case arising out of Khagaria (Muffasil) P.S.Case No. 106 of 2021 instituted for the offence under Sections 302 and 379 of the Indian Penal Code 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 some unknown criminals had hired the vehicle and killed the son of the informant by throttling and looted the vehicle.

Learned counsel appearing on behalf of the appellant submits that the FIR has been instituted against unknown person. However during the course of investigation co-accused Abid Hussain was apprehended and the name of the appellant along with other accused persons have transpired on the confessional statement of co-accused Abid Hussain . He further submits that save and except confessional statement of co-accused Abid Hussain there is no other material. Neither the appellant has put on TIP nor any incriminating material has been recovered from his person or possession. He further submits that other persons having identical allegation, whose name also transpired on the confessional statement of co-



accused have been allowed privilege of bail in Cr. Appeal (SJ) No. 3850 of 2021 vide order dated 13.12.2021. He last submits that the appellant having fair antecedent is in custody since 26.03.2022 and now after completion of investigation charge sheet has been submitted.

On the other hand, learned counsel for the State vehemently opposed the prayer for bail of the appellant and submits that during the course of investigation, ample material has come suggesting the complicity of the appellant.

Having heard the parties and taking into consideration the materials available on the record as also the fact that the name of the appellant has only transpired on the confessional statement of co-accused and persons having identical allegation have already been allowed privilege of bail, coupled with fair antecedent of the appellant and the period of incarceration, let the above named appellant, be enlarged 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 cum Additional Sessions Judge-I Khagaria in connection with Special case arising out of Khagaria (Muffasil) P.S.Case No. 106 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 01.06.2022 is hereby, set aside and the present appeal stands allowed.

(Harish Kumar, J)

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