

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2540 of 2022

Arising Out of PS. Case No.-171 Year-2017 Thana- BARHIYA District- Lakhisarai

Chandan Kumar @ Karu @ Langada @ Karu Singh @ Chandan Son Of Jogi Ram @ Jogi Singh, Resident Of Village - Tartar, Ward No. 2, Barahiyd, P.S.- Barahiya, District - Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manchan Devi W/O Late Anil Mandal, Resident Of Village - Shyam Tola, Govind Bigha, P.S. And District - Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rabi Bhushan, Advocate Ms. Rakhi Kumari, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 30-11-2022

Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

Vide order dated 09.11.2022 notice was validly served upon respondent No. 2.

The present appeal has been preferred 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 21.07.2022 passed in SC/ST Case No.09 of 2022 arising out of Barahiya P.S. Case No. 171 of 2017, for the alleged offence under sections 302, 201/34 of the

I.P.C. and Sections 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989.

Learned counsel for the appellant submits that F.I.R. has been lodged against 4 named accused persons upon their allegation of murder of informant's husband and his brother has been made.

Learned counsel for the appellant submits that there were 4 names disclosed by the informant in the F.I.R. and the name of the petitioner is not there in the F.I.R. Learned counsel also submits that his name has figured in this case by virtue of confessional statement of accused Tannu Kumari and the said Tannu Kumari was granted bail by the Co-ordinate Bench of this Court vide order dated 21.06.2021 passed in Cr. Rev. No. 279 of 2021. Learned counsel further submits that the other two persons whose names have not been given in the F.I.R., have already been granted bail by the Co-ordinate Bench of this Court vide orders dated 17.08.2021 and 03.09.2021 passed in Cr. APP. Nos.1885 of 2021 and 3113 of 2021 respectively.

Learned counsel also submits that antecedent of the petitioner is clean, he is in custody since 26.10.2021 and charge sheet has already been filed in this case.

Learned Special Public Prosecutor opposes the prayer for

bail and submits that the name of the petitioner has figured in this case by the co-accused as well as on the basis of CDR.

In the present facts and circumstances of the case and the submissions made above, let the appellant above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge, Lakhisarai in connection with Barahiya P.S. Case No. 171 of 2017, subject to the conditions as laid down under Section 437(3) of Cr.P.C..

Accordingly, the impugned order dated 21.07.2022 passed by learned Ist Additional District & Sessions Judge-cum-Special Judge, Lakhisarai in SC/ST Case No. 09 of 2022 arising out of Barahiya P.S. Case No. 171 of 2017 lodged under sections 302, 201/34 of the I.P.C. and Sections 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989 is set aside and the present Cr. Appeal (SJ) stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	