

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2914 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- BATH District- Bhagalpur

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Mohak Kumar Jha @ Mohak Kumar @ Mahak Kumar Jha Son of Faninath
Jha Resident of Village - Shyampur, P.s.- Bath, Distt.- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bedanand Tanti Son of Mahendra Tanti Resident of Village - Shyampur, P.s.-
Bath, Distt.- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Rajendra Kumar Jain, Advocate
For the State	:	Mr.Sadanand Paswan,Spl. PP
For the Informant	:	Mrs. Priya Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 08-12-2022

Heard learned counsel for the appellant and learned
counsel for the State as well as learned counsel for the
informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

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 by
order dated 16.07.2022 passed by learned 3rd Additional
Sessions Judge-cum-Special Judge (SC/ST Act) Bhagalpur in
connection with Special SC/ST Case No. 48 of 2022 arising out
of Bath P.S. Case No. 28 of 2022 registered for the alleged



offences under Sections 302 and 34 of the Indian Penal Code and Section 3(2)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, wife of the informant who was *mukhia* of her village and was staying alone at the village was found dead. The informant alleged that the appellant threatened the wife of the informant along with the other persons.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The appellant went to the house of the informant after one day of the death of wife of the informant but he was attacked by the mob and family members of the informant and got injured and Bath P.S. Case 31/2022 was registered against the informant's family members and others. Learned counsel further submits that there is no eye-witness to the alleged occurrence. The appellant had no dispute with the deceased. The appellant used to work in a private security company at Gurgaon and when he came to his native village, due to village politics he has been falsely implicated in this case. Learned counsel further submits that it appears to be a case of suicide. The appellant is in custody since 09.04.2022 and



charge-sheet has been submitted. The appellant has got clean antecedent.

Learned counsel appearing on behalf of the informant/ respondent no. 2 vehemently opposes the submission made on behalf of the appellant. Learned counsel further submits that the postmortem report clearly shows death was caused by asphyxia and shock due to antemortem strangulation by combined effect of ligature material and manual strangulation. Learned counsel further submits that the informant has named the appellant in his written report in the FIR itself. The co-accused who was apprehended have also named this appellant. Witnesses examined during investigation have also supported the prosecution case.

Perused the records.

Having regard to the facts and circumstances and considering the submission made on behalf of the parties and considering the fact that there appears no substantive material on record to connect the appellant with the offence as alleged and further considering the clean antecedent of the appellant along with the period of custody and submission of charge sheet against him, he 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 Special Judge SC/ST Act, Bhagalpur in connection with Special SC/ST Case No. 48 of 2022 arising out of Bath P.S. Case No. 28 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 is allowed.

(Arun Kumar Jha, J)

himanshu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2022
Transmission Date	13.12.2022

