

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.89 of 2022

Arising Out of PS. Case No.-233 Year-2021 Thana- PALIGANJ District- Patna

Mithilesh Ravidas, Son of Nanhak Ram, Resident of Village Korara Daulat Bigha, P.S. Paliganj, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Thakur, Advocate Mrs.Vaishnavi Singh, Advocate
For the Respondent/s	:	Mrs.Usha Kumari No.1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 25-08-2022

Heard learned counsel for the appellant and learned Spl.PP 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 by order dated 30.10.2021 passed by the learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST, Patna in connection with Special Case No. 184 of 2021 arising out of Paliganj P.S. Case No. 233 of 2021, registered for the alleged offences under Sections 302, 201, 120B and 34 of the Indian



Penal Code and Sections 3 (2) (v) of the Scheduled Castes and Scheduled Tribes Act.

As per the prosecution case, the informant got registered the FIR naming five persons along with 4-5 unknown persons who killed his son and then concealed the dead body in a field near canal. However, during the investigation, it came to the knowledge of the investigating agency that the informant himself murdered his son.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The appellant has been made accused by the police in order to save the real culprits and on the basis of imaginary story that appellant has illicit relationship with the wife of the deceased. But the police all along knew the fact that appellant and his elder brother are residing together with their families. There are three daughters of elder brother of the appellant in the family and appellant himself is living with his wife and four daughters and two sons. There is no eye-witness to the alleged occurrence and no one saw the appellant going towards the place of occurrence either with the deceased or with the dead body and there is no supportive evidence regarding illicit relationship of the appellant with the wife of the deceased and it



does not appear to be probable at all. The appellant is in custody since 25.07.2021 and the charge sheet has been submitted in this case.

Learned Spl.PP opposes the prayer for bail submitting that the conduct of the appellant was suspicious regarding his activity in the fateful night as it appears from paragraphs 19, 20, 21 and 22 of the case diary.

Perused the records.

Having regard to the submissions made hereinabove and considering the lack of material on record to show the connection of this appellant with the death of his son and further considering the period of his 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 Additional District and Sessions Judge-III-cum- Special Judge (SC/ST), Patna, in connection with Special Case No. 184 of 2021 arising out of Paliganj P.S. Case No. 233 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, preferably one of the parents.



- (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)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.08.2022
Transmission Date	26.08.2022

