

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.117 of 2022**

Arising Out of PS. Case No.-319 Year-2020 Thana- PUPRI District- Sitamarhi

Manoj Kumar, Son of Ram Bilash Sah @ Ram Vilash Sah, Resident of
Village- Sanhpur, P.S.- Sinhwara, District- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahendra Baitha, Son of Late Jaleshwar Baitha, Resident of Village-
Ibrahimpur, Ward No.-7, P.S.- Runni Saidpur, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amit Kumar Jha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
For the Respondent no.2	:	Uday Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 04-08-2022

Heard learned counsel for the appellant, learned
Spl.PP for the State and learned counsel for the respondent no.2.

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 06.09.2021 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge, SC/ST (POA) Act,
Sitamarhi in connection with Pupri P.S. Case No. 319 of 2020,
registered for the alleged offences under Sections 341, 323, 324,



302 and 34 of the Indian Penal Code and Sections 3 (1) (r), (s), (w),(1)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, the daughter of the informant was the second wife of the co-accused Pramod Kumar Sah and allegedly the co-accused persons along with this petitioner committed the murder of the daughter of the informant.

The learned counsel for the appellant submits that the appellant is the nephew of co-accused husband of the deceased and for this reason, he has been falsely implicated in this case. There is no eye-witness to the alleged occurrence and no one has seen this appellant getting involved in the alleged crime. Even during investigation, the landlord of the house, where the deceased used to live, has stated about 3-4 persons fleeing away from the place, but he did not name this appellant. Other witness has also not named the appellant during investigation. Except for suspicion and the name of the appellant coming up in the FIR, nothing of substance came up during investigation. Learned counsel further submits that the similarly placed co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide order dated 08.07.2021 passed in Cr.



APP(SJ) No. 1912 of 2021 and order dated 03.08.2021 passed in Cr. APP(SJ) No. 2803 of 2021, respectively. Charge-sheet has been submitted in this case and the appellant is in custody since 18.08.2021.

Learned counsel appearing on behalf of the respondent no.2 as well as the learned Spl.PP opposes the prayer for bail submitting that the deceased was brutally killed and the appellant has been named as one of the co-accused persons who was involved in this crime. However, learned counsel concedes that there is no material on record to show the involvement of this appellant with the alleged occurrence.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that nothing cogent has come against this appellant during investigation and no recovery has been made at the instance of this appellant and false implication can not be denied and further considering the submission of charge-sheet as well as the period of his custody, 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act,



Sitamarhi in connection with Pupri P.S. Case No. 319 of 2020, 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	05.08.2022
Transmission Date	05.08.2022

