

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.423 of 2023

Arising out of
CRIMINAL MISCELLANEOUS No.53491 of 2022

Arising Out of PS. Case No.-149 Year-2022 Thana- KAMTAUL District- Darbhanga

VINIT KUMAR JHA @ VINEET KUMAR JHA Son of Late Subhash Chandra Jha Resident of Village and Post- Bariaul, P.S.- Kamtaul, District- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar.
2. Kajal Kumari D/O Late Charitra Ram Resident of Village and Post- Bariaul, P.S.- Kamtaul, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 23-03-2023 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 20.08.2022 passed by learned Additional Sessions Judge-III-cum-Exclusive Special Judge (SC/ST Act), Darbhanga, whereby the prayer for bail of the appellant in connection with Kamtaul P.S. Case No. 149 of 2022 under Sections 302, 201/34 of the Indian Penal Code and Sections 3(i)(r)/ 3(i)(s)/ 3(2)(v) of the SC/ST (POA) Act was rejected.

The allegation against the appellant along with others



is of killing the brother of the informant. Further it is stated that the informant, her mother and her two brothers, all were used to do household work in the house of the appellant.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics. He submitted that the appellant is a Head Master in-charge in the Government school Kahariya, Darbhanga there is no direct and indirect evidence against the appellant. There is no eye-witness to state that this appellant is involved in the alleged occurrence. Appellant has been roped in the case simply on the basis of rumors as spread by local enemies. The FIR has deliberately been lodged at the instance of some antisocial elements to serve some oblique purpose and to harass the appellant. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant in public view. Learned counsel for the informant does not oppose because of good sense has been prevailed between the parties. Learned counsel for the informant does not inclined to proceed further in this case. The appellant is in custody since 28.06.2022.

The appeal for bail is opposed by learned Spl. P.P. for



the State.

Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 20.08.2022 arising out of Kamtaul P.S. Case No. 149 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Kamtaul P.S. Case No. 149 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III-cum- Exclusive Special Judge SC/ST (POA) Act, Darbhanga.

(Sunil Kumar Panwar, J)

Arish/-

U		T	
---	--	---	--

