

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.381 of 2023**

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

VIKASH JHA @ VIKASH KUMAR JHA Son of Sri Ramesh Jha R/V-
Bariaul P.S- Kamtaul, Dist- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Kajal Kumari Daughter of Late Charitra Ram R/V- Bariaul, P.s- Kamtaul
Dist- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vaishnavi Singh
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 28-03-2023 Heard learned counsel for the appellant as well as
the learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the appellant under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 24.12.2022, in connection with Kamtaul P.S. Case No. 149 of 2022 registered for offence punishable under sections 302, 201/34 of the Indian Penal Code and sections 3 (i) (r) (s) 3(2) (v) of the SC/ST (POA) Act, whereby the prayer for bail of the appellant has been rejected.

As per allegation, the informant, her mother and two brothers were working in the house of co-accused Vinit Kumar



Jha @ Vineet Kumar Jha, who was not paying their wages and whenever they demanded, he apprised that their wages have been deposited in their bank accounts, but his statement was false. Vinit Kumar Jha @ Vineet Kumar Jha used to assault her. The dead body of brother of the informant was found hanging with a tree and it was found that the pipe, by which he was hanged, was used for washing vehicle of the petitioner.

The learned counsel for the appellant has submitted that he has falsely been implicated in this case. There is no eye-witness of the occurrence and he has been made accused only on the basis of rumours floating in the locality. He has submitted further that co-accused Vinit Kumar Jha @ Vineet Kumar Jha has been granted bail by a co-ordinate Bench of this court in Cr. Appeal(SJ) No. 423 of 2023. The appellant is a person of clean antecedent.

The learned counsel for the informant has submitted that when the informant came to know the real fact, he has filed a compromise petition in the court below.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 24.12.2022 is set aside. Accordingly, the appellant, above-named, be released on bail on furnishing bail bonds of



Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Exclusive Special Judge, SC/ST (POA) Act, Darbhanga in connection with Kamtaul P.S. Case No. 149 of 2022.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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