

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.576 of 2023

Arising Out of PS. Case No.-626 Year-2022 Thana- SHERGHATI District- Gaya

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1. Pintu @ Mirtunjay Kumar @ Mritunjay Kumar Son Of Sohrai Yadav R/O Village- Mohabbatpur, P.S.- Sherghati, District- Gaya
 2. Dipak Chouhan @ Deepak Chauhan Son Of Chatan Chohan @ Chotan Chauhan R/O Village- Mohabbatpur, P.S.- Sherghati, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Rambali Manjhi Son Of Timan Manjhi R/O Village- Mungiya Tand, P.S.- Sherghatti, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh, Adv.
For the Respondent/s : Ms. Usha Kumari 1, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 22-03-2023 Learned counsel Mr. Arvind Kumar Singh appearing for the appellants and learned APP Ms. Usha Kumari 1 appearing for the State are present and they are heard in respect of the prayer of bail made by the appellants in the memo of appeal.

The instant appeal has been filed under Section 14(A) (2) of SC/ST Act against the order dated 20.12.2022 passed by the Court of learned Exclusive Special Judge, SC/ST, Gaya in connection with Sherghati P.S. Case No. 626/2022 instituted for the offences punishable under Sections 302, 365, and 201/34 of the Indian Penal Code and Section 3(2)(v) of SC/ST (POA) Act,



whereby and whereunder the appellants' prayer for regular bail has been rejected.

The main submissions advanced by learned counsel for the appellants are that the appellants have no criminal history and the FIR was registered against unknown persons and during investigation, the appellants were dragged in this case mainly on the basis of suspicion and there is no any evidence to connect them to the alleged crime and there is no eye-witness of the alleged occurrence and they have been languishing in jail since 08.08.2022.

Learned APP for the State has opposed the above-mentioned prayer for bail and submitted that the order impugned rejecting the bail prayer of the appellants, has been rightly passed and there is no merit in this appeal and the same is liable to be dismissed.

Learned Counsel for the respondent No. 2 submitted that in the instant matter, a good sense has prevailed in between both the parties and they have compromised.

Heard both the sides and perused the order impugned and the case diary of the instant matter. The FIR was registered against unknown persons and during investigation, most of the witnesses mainly raised suspicion against the appellants and no



material witness claimed to have seen the appellants' specific role in the alleged crime of murder and the body of the victim (deceased) was recovered from a well and the prosecution has not produced any cogent material or evidence to show the appellants' motive to be involved in the alleged crime and the appellants have fair and clean antecedent and have been languishing in jail since 08.08.2022. Considering all these facts as well as above submissions, in my opinion the appellants deserve to the privilege of bail. Accordingly, the order impugned is hereby set aside and the appeal stands allowed and the appellants named-above are directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with Sherghati P.S. Case No. 626/2022.

(Shailendra Singh, J)

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