

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1286 of 2023

Arising Out of PS. Case No.-388 Year-2022 Thana- BIBHUTIPUR District- Samastipur

SINGHESHWAR MAHTO Son of Late Ram Pragash Mahto R/v- Veerganj,
Ward No. 5, P.S.- Mansurchak, District- Begusarai

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Ram Sri Devi Wife of Santosh Paswan R/v- Mahathi Tola, Jogia Ward No. 13, Bibhutipur, District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sabal Kumar Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-05-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 7.2.2023 passed by learned Court of Special Judge, SC/ST(POA) Act, Samastipur whereby the prayer for bail of the appellant in connection with Bibhutipur No. 388 of 2022 under Section 3(2)(v) of the SC/ST Act was rejected.

It is a case of commission of murder of the of the devar of the informant. On a telephonic call from mobile no. 9534317455, he went to receive his wages by bicycle but he did not return. On next day, during search, his dead body was found



lying at Khokshaha Chowk.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. He is not named in the FIR rather his name surfaced on the basis of confessional statement of Sikandar Paswan, before the police, which has got no evidentiary value in the eye of law. No one is the eye witness of the alleged occurrence. No offence is made out under the provisions of the SC/ST Act against him. He is languishing in judicial custody since 13.10.2022.

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 that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 7.2.2023 passed in Bibhutipur P. S Case No. 388 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Bibhutipur P. S Case No. 388 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 learned Court of Special Judge, SC/ST(POA) Act,
Samastipur .

(Sunil Kumar Panwar, J)

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