

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1557 of 2023

Arising Out of PS. Case No.-714 Year-2022 Thana- KAHALGAON District- Bhagalpur

Satyam Kumar @ Chotu Kumar Mandal @ Prince Kumar @ Chotu Son of
Arun Mandal R/o Jayatipur, Rampur, PS- Shivnarayanpur, Dist- Bhagalpur
... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Kumar Paswan Son of Late Darbari Paswan R/V- Bishanpur, Ward no.
7, PS- Shivnarayanpur Dist- Bhagalpur
... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mrs. Sakshi Deep, Advocate Mr. Bhaskar Shankar, Advocate
For the Respondent No.2:	:	Mr. Jainendra Kumar, Advocate
For the State	:	Mr. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-08-2023 Heard Mr. Krishna Prasad Singh, learned senior
counsel for the appellant assisted by Mrs. Sakshi Deep,
Advocate, learned counsel for the respondent no.2 and learned
Special Public Prosecutor for the State.

This criminal appeal has been filed under Sections
14(A)(2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, against refusal of the prayer for
regular bail of the appellant by order dated 04.11.2022 passed
by the learned 3rd Additional Sessions Judge-cum-Special Judge
(SC/ST Act), Bhagalpur in connection with Special SC/ST Case
No.116 of 2022 arising out of Kahalgaon (Shivnarayanpur) P.S.
Case No.714 of 2022 registered under Sections 302, 201,
120(B) of the Indian Penal Code and Sections 3(2)(v) of SC/ST



Act, 1989.

As per prosecution case, as per F.I.R is that on 15.07.2022, co-accused Prince Kumar @ Chhotu Kumar Mandal and Sunil Yadav came in the night at 11:30 P.M and took his son with them on the pretext of some party. Next morning at 8:00 A.M, the appellant and co-accused Suman Goshwami informed the daughter of the informant that her brother has been killed. Thereafter, the dead body of the deceased was found near Vikramshila Railway Station Platform.

Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that the informant is not the eye witness of the alleged occurrence and as per F.I.R. the petitioner and other co-accused persons namely, Sunil Yadav come in the night at 11:30 P.M. and took the son of the informant with pretext of the some party thereafter, the dead body of the son of the informant was found near the railway track.

Learned senior counsel for the appellant further submits that even no one has seen the present occurrence and except the suspicion, no other cogent material has come during investigation to suggest the involvement of the appellant in the



present occurrence He further submits that similarly situated, co-accused, namely, Shikendra Yadav @ Abhishek Kumar has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 13.07.2023 passed in Cr. Appeal (SJ) No. 392 of 2023. He further submits that the police, after investigation, submitted the charge sheet against the appellant and the appellant is in custody since 12.09.2022.

The learned counsel appearing on behalf of the Respondent No.2 as well as learned Special Public Prosecutor have vehemently opposed the prayer for bail of the appellant and submits that there is specific allegation against the appellant that he took the son of the informant. They further submits that the appellant carries one criminal antecedent other than the present one, in which he is on bail.

Considering the aforesaid facts and circumstances, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Bhagalpur in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 714 of 2022, subject to the following conditions:-

1. Appellant shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order dated 04.11.2022 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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