

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2129 of 2023

Arising Out of PS. Case No.-567 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Deepak Kumar @ Dipak Kumar S/O Bimal Mahto @ Bimal Mahton @
Vimal Ray R/O Village- Raja Dumri, Hemra Tola, Ward No. 02, P.S-
Muffasil, (Lakho O.P), Distt.- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pinki Devi W/O Nunu Babu Paswan R/O Village- Raja Dumri, P.S-
Muffasil, (Lakho O.P), Distt.- Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sandip Kumar Gautam, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Respondent	:	Mr. Ajay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 14-07-2023 Heard learned counsel for the appellant, learned
counsel appearing on behalf of the Respondent No. 2 as well as
learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 11.04.2023
passed by the learned Exclusive Special Judge, SC/ST (POA)
Act in connection with Muffasil P.S. Case No. 567 of 2022,
F.I.R. dated 25.10.2022 registered under Sections 302, 201,
120B/34 of the Indian Penal Code and Section 3(2)(v) of the
Scheduled Castes and Scheduled Tribes Act.

According to the prosecution case, all the accused



persons including this appellant have murdered the husband of the informant and thrown the dead body on the railway track for concealment of the evidence.

Learned counsel for the appellant submits that appellant has clean antecedent 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 no other material has come during investigation to suggest the involvement of the appellant in the present occurrence. He further submits that it appears from the F.I.R. that there is no motive assigned in the F.I.R. by the informant and prior to the present F.I.R, the father of the appellant has filed Muffasil P.S. Case No. 381 of 2020 against Kari Lal Rai and others, so the family members of Kari Lal Rai has implicated the appellant in this present false and fabricated case. He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 23.03.2023.

Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that sufficient material has come during



investigation to suggest the involvement of the appellant in this present case.

Considering the facts and circumstances of the case, 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 learned Exclusive Special Judge, SC/ST (POA) Act in connection with Muffasil P.S. Case No. 567 of 2022, with other 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 their 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 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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