

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2879 of 2023**

Arising Out of PS. Case No.-211 Year-2021 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Md Nehal Son of Md. Isha Resident Of Village- Ganga Prasad, Ward No. 6,
Sitanabad, Ps- Bakhtiyarpur, District- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Debu Das Son of Late Vilas Das Resident of Village- Kewatgama,
Panchayat- Laxmipur Chadiasthan Ward No. 12, PS- Kumarkhand, District-
Madhepura

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Pramod Mishra, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Abhay Kumar Kashyap, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 22-09-2023 Heard Pramod Mishra, learned counsel appearing on

behalf of the appellant, Mr. Abhay Kumar Kashyap, learned
counsel for informant/respondent no.2 and learned Spl. PP for
the State.

2. The present appeal under Section 14(A)(2) of the
Schedule Caste/Schedule Tribe, Prevention of Atrocities Act,
(hereinafter referred to as ‘SC/ST Act’) has been preferred
against the order dated 25.01.2022, passed by the learned
Additional Sessions Judge-III -cum- Special Judge, Saharsa in
connection with Special Case No. 78 of 2021, arising out of
Bakhtiyarpur P.S. Case No. 211 of 2021, registered for the
offences punishable under Sections 302, 201 and 120B of the
Indian Penal Code and the charge-sheet has been submitted



under Sections 302, 201 and 120B/34 of the Indian Penal Code and Sections 3(2)(va) and 3(2)(v) of the SC/ST Act, whereby the prayer for grant of regular bail of the appellant has been rejected.

3. Earlier, the prayer for grant of bail of the appellant was negated by this Court vide order dated 20.10.2022 passed in Cr. App (SJ) No. 825 of 2022, taking into consideration the materials available on record as also the fact that the trial was at fag end. However, liberty was granted to the appellant to renew his prayer for bail after three months, if there would be no substantive progress in the trial.

4. Learned counsel for the appellant submits that the entire case is based on circumstantial evidence and even the chain of circumstance is not complete, pointing strong suspicion against the appellant. That apart, the wife of the appellant against whom there is identical allegation, has been allowed the privilege of bail by this Court vide order dated 05.04.2023 passed in Cr. Appeal (SJ) No. 1156 of 2023 (Annexure-3). He further submits that even during the course of investigation, it has come that on the alleged date of occurrence, as per the mobile location, the petitioner was at different place. Moreover, he is having fair antecedent, is in custody since 25.01.2022; and there is no chance of conclusion of the trial in



immediate future.

5. On the other hand, learned counsel for the State as well as learned counsel for the informant vehemently opposes the bail application and submits that all the witnesses have been examined and the matter is placed for only examine the defence witness(s). He further submits that the witnesses have also supported the case of the prosecution.

6. Regard being had to the submissions made on behalf of the parties and considering the liberty granted to the appellant by this Court as also the fact that there is bleak chance of the trial to be concluded in near future, let the above named appellant 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 Additional Sessions Judge-III, -cum- Special Judge, Saharsa in connection with Special Case No. 78 of 2021, arising out of Bakhtiyarpur P.S. Case No. 211 of 2021.

7. Accordingly, the impugned order is set aside and the appeal is allowed.

(Harish Kumar, J)

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