

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2716 of 2022**

Arising Out of PS. Case No.-28 Year-2022 Thana- BATH District- Bhagalpur

DEEPAK KUMAR Son of Dhananjay Sangahi Resident of Village -
Srirampur Thuthi, P.s.- Parbatta, Distt.- Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vedanand Tanti Son of Late Mahendra Tanti Resident of Village - Shyampur,
P.S.- Bath, Distt.- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Narain Sinha, Advocate
For the Respondent/s : Ms.Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

5 18-01-2023 Heard the learned counsel for the appellant and
the learned Spl.P.P. for the State.

Despite valid service of notice upon the opposite
party no. 2, there is no representation on behalf of the
opposite party no. 2.

This is an appeal under Section 14(A)(2) of the
Scheduled Caste and Schedule Tribe (Prevention of
Atrocities) Act, 1989, against the order dated 16.07.2022,
passed by the learned 3rd Additional Sessions Judge-cum-
Spl. Judge (SC/ST Act), Bhagalpur in connection with Special
SC/ST Case no. 48 of 2022, arising out of Bath PS case no. 28
of 2022, registered for the offences punishable under Sections



302/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby and whereunder the prayer of the petitioner for grant of bail has been rejected.

The case of the prosecution in brief is that the wife of the informant, who was Mukhiya of her village and was staying alone in her house, was found dead. The appellant is alleged to have admitted before the villagers that he along with others had killed the wife of the informant on account of election dispute after they were called at the direction of co-accused Mohak.

The learned counsel for the appellant submits that the appellant is innocent, has been falsely implicated in the present case and he is languishing in custody since 09.04.2022. The learned counsel for the appellant has further submitted that the appellant is an accused in one other case but he is on bail in the said case. It is next submitted that it is unbelievable that an accused person would go before the villagers and confess his guilt, however, the fact is that the appellant has never confessed his guilt and was in fact, apprehended by the police. It is also submitted that there is no eye-witness to the alleged occurrence and minuscule evidence



is available on record so as to suggest the complicity of the appellant in the alleged crime. Lastly, it is submitted that co-accused person namely Mohak Kumar Jha has already been granted bail vide order dated 08.12.2022, passed in Criminal Appeal (SJ) no. 2914 of 2022.

Per contra, the learned Spl.P.P. for the State has vehemently opposed the prayer for bail and has submitted by referring to the materials available in the case diary that the present case is definitely a case of strangulation, which has resulted in death of the wife of the informant, however, there is no eye-witness to the alleged occurrence.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that there is minuscule evidence available in the case diary so as to show the complicity of the appellant in the alleged crime apart from the fact that there is no eye-witness to the alleged occurrence and similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court, I deem it fit and appropriate to admit the appellant to the privilege of bail.

Accordingly, the abovenamed appellant is directed



to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Spl. Judge (SC/ST Act), Bhagalpur in connection with Special SC/ST Case no. 48 of 2022, arising out of Bath PS case no. 28 of 2022.

Consequently, the impugned order dated 16.07.2022, passed by the learned 3rd Additional Sessions Judge-cum-Spl. Judge (SC/ST Act), Bhagalpur in connection with Special SC/ST Case no. 48 of 2022, arising out of Bath PS case no. 28 of 2022, is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

