

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3003 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- PIPRAKOTHI District- East Champaran

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Rakesh Mahto @ Rakesh Kumar S/o Kishundeo Mahto R/o village- Dhekaha
Baba Tola, P.S.- Pipra Kothi, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramashish Ram S/o Late Adalat Ram Paswan R/o Village- Dhekha
Gaswami Tola, P.S.- Piprakothi, District- East Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Binay Kumar

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 12-01-2023 Heard Ld. counsel for the appellant and Ld. Special

Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 26.07.2022,
passed by Ld. Special Judge SC/ST Act, East Champaran,
Motihari, in connection with Pipra Kothi P.S. Case No. 222 of
2021, registered for the offences punishable under Sections
302, 120(B), 34 of Indian Penal Code and 3(i)(r)(s)/ 3(2)



(v) of the SC/ST Act , whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that on 07.09.2021 informant's son was found dead due to drowning in Belgachi Tal. It is alleged that eight accused persons including the petitioner has killed the informant's son. In fact, the petitioner himself informed the informant about the death of his son. It is also alleged that the accused persons had threatened to kill the informant's son.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that even as per the FIR, only doubt has been raised against accused persons including the petitioner. He also submits that charge-sheet in this case has already been submitted. He further submits that co-accused, namely, Nagina Paswan, has been enlarged on bail by the co-ordinate Bench of this Court vide order dated 30.06.2022 passed in Cr. Misc. No. 286 of 2022.

He further submits that the appellant has been languishing in jail since 19.05.2022.



It has also been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal that the appellant has moved this Court earlier for bail or vide Cr. Appeal (S.J) No. 4762 of 2021.

However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 26.07.2022, passed by Ld. Special Judge SC/ST Act, East Champaran, Motihari, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special Judge SC/ST Act, East Champaran, Motihari in connection with Pipra Kothi P.S. Case No. 222 of 2021 on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has any criminal antecedents, the Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, the Ld. trial court shall cancel the bail bonds of the appellant.

Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a



period of one month and the Registry is directed to issue the
certified copy of this order only after removal of office
objections.

chandan/-

(Jitendra Kumar, J)

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