

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3033 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- MAIRWAN District- Siwan

MAHAVIR RAM S/o Late Tola Ram Resident of Village- Barasu, Brindawan,
P.S.- Mairwa, District- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramashankar Manjhi S/o Srikishun Manjhi Resident of Village- Srinagar,
P.S.- Mairwa, District- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ranjan Kumar Dubey,Adv.
For the Respondent/s	:	Mr.Sadanand Paswan,Spl.P.P. Mr.Raghav Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-03-2023 Heard learned counsel for the appellant, learned
Special P.P. for the State and learned counsel appearing on
behalf of respondent no. 2.

The present appeal has been filed against order dated
08.07.2022 passed by learned A.D.J.-I-cum-Special Judge,
Siwan in Mairwa P.S. Case No. 161 of 2022 registered for the
offence punishable under Sections 302/201/120(B)/34 of the
Indian Penal Code and Section 3(2)(v) of the Scheduled Castes
and the Scheduled Tribes (POA) Act (for short “SC/ST Act”),
whereby the prayer for anticipatory bail of appellant was
rejected.

The informant raised suspicion that all the F.I.R.
named accused persons including this appellant committed the
murder of his son.



Learned counsel for the appellant submits that save & except suspicion, there is no direct material against this appellant. Informant is not eye-witness to the alleged occurrence and due to old enmity and dispute, appellant has been made accused. There is no allegation of abuse by caste name and as such, no case under the SC/ST Act is made out. The appellant has got clean antecedent.

The appeal is vehemently opposed by learned Special P.P. as well as learned counsel for the respondent no. 2.

Considering the aforesaid facts and circumstances, the impugned order dated 08.07.2022, so far as this appellant is concerned, is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged 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 A.D.J.-I-cum-Special Judge, Siwan in Mairwa P.S. Case No. 161 of 2022.

(Prabhat Kumar Singh, J)

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