

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1233 of 2024

Arising Out of PS. Case No.-286 Year-2021 Thana- KONCH District- Gaya

Manish Kumar Son of Ram Vinay Das @ Vinay Das Resident of vill.-Konch,
P.S.-Konch, Distt.-Gaya

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Baby Devi Wife of Late Mirtunjay Das Resident of vill.-Konch dih, P.S.-
Konch, Distt.-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Durgesh Nandan, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 12-07-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Though notice has been validly served upon the
respondent no.2 but nobody appears on her behalf.

3. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 18.12.2023 passed by learned Court of
Exclusive Special Judge SC/ST, Gaya in connection with Konch
P.S. Case No.286 of 2021, registered under Sections 302,
120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act



and Section 3 (2) (v) of SC / ST Act.

4. The prosecution case, in brief, is that the husband of the informant had gone out from her house following a telephone call. It is alleged that the next day the motorcycle of her husband and his dead body was found in a field. The allegation against the appellant is that he has killed the husband of the informant in conspiracy with the accused persons.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. He has been made accused in the present case merely on the basis of suspicion. The informant is not an eye witness of the death of her husband. He further submits that no evidence has been collected by the police which could indicate that the appellant was involved in the alleged offence and this fact is also not denied by the learned Spl. P.P. for the State. Appellant has two criminal antecedent as mentioned in para-3 of this memo of appeal. He further submits that appellant and the informant-victim belongs to same category as stated in paragraph - 10 of the memo of appeal so provision of SC/ST Act will not attract in this case. Similarly



situated co-accused person, namely, Mantu Paswan has already been granted anticipatory bail by coordinate Bench of this Court in Cr. Appeal (SJ) No. 2103 of 2022 vide order dated 04.01.2023.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Special Judge SC/ST, Gaya in connection with Konch P.S. Case No.286 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Ramesh Chand Malviya, J)

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