

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1336 of 2024

Arising Out of PS. Case No.-10 Year-2020 Thana- BELSAND District- Sitamarhi

Mayank Kumar S/o Umesh Bhagat R/o Village- Saraiya, Ward No. 13, P.S.-
Belsand, Dist.- Sitamarhi

... .. Appellant

Versus

1. The State of Bihar Bihar
2. Naresh Das S/o Late Dharkan Das R/o Village- Saraiya, Ward No. 12, P.S.-
Belsand, Dist.- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Santosh Kumar, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 22-11-2024 Heard learned counsel for the appellant and the State. Nobody appears for respondent no.2 inspite of valid service of notice.

2. This appeal has been filed for setting aside order dated 23.1.2024, passed in a case registered for the offence punishable under sections 302,379/34 of the IPC and sections 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for regular bail of the appellant has been rejected.

3. As per the prosecution case, at about 6 pm appellant took away informant's son from the house and at 7.30 pm informant found his son in unconscious state. Next day, victim became serious and when he was taken to Muzaffarpur for treatment, doctors declared him brought dead.

4. It is submitted that appellant has falsely been



implicated in this case. It is next submitted that parties are co-villagers and because of old dispute, appellant has falsely been roped in the present case. Police after investigation submitted final form as mistake of facts but the court below differing with the same took cognizance of the offence. It is not the case of the respondent no.2 that any member of the public was present at the place of occurrence, as such, no offence under the SC/ST Act is made out against the appellant. Appellant is in custody since 7.6.2023.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. Let the appellant, named above, 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 the Additional Sessions Judge I cum Special Judge SC/ST(POA) Act, Sitamarhi in Belsand Police Station Case No. 10/2020.

(Prabhat Kumar Singh, J)

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