

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2276 of 2024

Arising Out of PS. Case No.-333 Year-2023 Thana- SURSAND District- Sitamarhi

Abdul Sheikh SON OF ISTEYAK SHEIKH @ MOHAMMAD ISTEYAK
AHMAD VILLAGE- BHEMUA, PS- SURSAND, DIST- SITAMARHI

... .. Appellant/s

Versus

1. The State of Bihar
2. SURESH MANDAL SON OF LATE SEVKI MANDAL VILLAGE-
BHEMUA, PS- SURSAND, DIST- SITAMARHI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Zaki Haider
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 22-07-2024 Heard learned counsel for the appellant, learned APP
for the State as well as learned counsel for the informant.

2. The present appeal has been preferred on behalf of the appellant under Section-14 (A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 03-04-2024 passed in Sursand P.S. Case No. 333 of 2023 registered for the offence punishable under Sections-304/34, 120(B), 201, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s)/ 3(2)(Va) of the SC/ST Act by which, the learned Additional Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Sitamarhi has rejected the prayer for bail of the appellant.



3. As per allegation, the co-accused Zahid Sheikh and his family members had floated electric current in their orchard. The deceased came into contact of the electric current and died due to electrocution.

4. Learned counsel for the appellant has submitted that the appellant is innocent and he has falsely been implicated in this case. He is a person of clean antecedent. During course of investigation, his complicity was not found and in paragraph-23 of the case diary, the investigating authorities found the complicity of co- accused Md. Zahid Sheikh only. The appellant is in custody since 18-03-2024.

5. On the otherhand, learned counsel appearing for the informant has opposed the prayer for bail by submitting that when the deceased became injured due to contact of the electricity, the appellant was also amongst the accused persons removing the dead body from the place of occurrence.

6. Considering the above-mentioned facts and circumstances and also considering the fact that in course of investigation, complicity of the appellant has not been found in the occurrence, the appeal is ***allowed*** and the impugned order dated 03-04-2024 passed in Sursand P.S. Case No. 333 of 2023 is set aside.



7. Accordingly, the appellant named above, is directed to be released 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 learned Additional Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Sitamarhi in Sursand P.S. Case No. 333 of 2023.

(Nawneet Kumar Pandey, J)

A.K.V.//-

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