

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2365 of 2024

Arising Out of PS. Case No.-262 Year-2023 Thana- MADHAURAH District- Saran

Chhotan Ram @ Chhotan Kumar @ Chotan Kumar Son of Lakshaman Ram
Resident of Village- Rampur (Khoram), P.S.- Madhaura, District- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramavati Devi Wife of Prabhu Ram Resident of Village- Rampur, P.S.-
Madhaura (Gaura O.P.), District- Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Udai Shankar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 23-08-2024 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State. A notice was sent to the

Opposite Party No.2 through registered post but none appeared

on behalf of the Opposite Party No.2.

2. The instant appeal has been filed by the appellant
against the order dated 01.03.2024 passed by learned SC/ST
Exclusive Special Judge, Chapra, Saran in connection with
Marhowrah P.S. Case No. 262 of 2023 registered under Sections
302/34 of IPC and Section 3(2)(v) of the Scheduled Caste and
Scheduled Tribes (Prevention of Atrocities) Act by which the
prayer for bail of the appellant was rejected.

4. It is a case of commission of murder of the son of



the informant by all FIR named accused persons.

5. It is submitted by learned counsel for the appellant that the appellant has been falsely implicated in this case. He next submits that he has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. Nothing specific allegation has been levelled against the appellant. He next submits that the informant is not an eye witness of the said occurrence. The name of the appellant surfaced only on the basis of confessional statement of the co-accused. Appellant is in jail custody since 18.05.2023. He next submits that similarly situated co-accused have been granted bail by this Court passed in Cr.Appeal (SJ) Nos. 4311 of 2023 and 4426 of 2023.

6. The appeal for bail is opposed by learned Spl. P.P. for the State.

7. On perusal of the entire case diary and other materials available on record, it appears that none of the witnesses have supported the allegation levelled against the appellant and further the appellant was not at the place of occurrence so, I am inclined to grant bail to the appellant.

8. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the



appellant, this Court is inclined to allow the appeal.

9. Accordingly, the appeal is allowed and the impugned order dated 01.03.2024 is hereby set aside.

10. The appellant is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SC/ST Exclusive Special Judge, Chapra, Saran/ concerned Court in connection with Marhowrah P.S. Case No. 262 of 2023.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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