

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2316 of 2024

Arising Out of PS. Case No.-146 Year-2022 Thana- PANDAUL District- Madhubani

Kishore Kumar Chaudhary @ Kishore Chaudhary son of Bharat Chaudhary
R/o- Baghi Pokhar Chaudhary Tole Mohanpur Ps- Pandaul Dist-Madhubani

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Dilip Kumar Mahto son of Late Ganga Ram Mahto Village- Ranti Pasiniya
Chowk Ps- Rajnagar Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Prakash
For the Respondent/s	:	Mrs. Usha Kumari 1
		Mr. Shashank Chouhan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-08-2024 Heard learned counsels for the parties.

2. 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 bail vide order dated 24.04.2024 passed by learned Additional Sessions Judge cum Special Judge, Madhubani in connection with Pandaul P.S. Case No.146 of 2022, registered under Sections 302, 201, 34 of the Indian Penal Code and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The allegation against the appellant is that he is involved



in the murder of the brother of informant.

4. 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. Appellant is not named in the FIR, he has been made accused merely on the basis of suspicion. There is no allegation against the appellant to tamper the evidence. He further submitted that similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court in Cr. APP (SJ) No.5163 of 2023 vide order dated 21.03.2024. Appellant is in judicial custody since 24.04.2024. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State as well as respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case as well as considering the period of custody, let the above named appellant be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge cum Special Judge, Madhubani in connection with Pandaul P.S. Case No.146 of 2022.



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

(Anjani Kumar Sharan, J)

shikha/-

U		T	
---	--	---	--

