

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2763 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- MURLIGANJ District- Madhepura

Nitish Kumar S/O Sri Lakhan Das @ Lakhanlal Das Resident of village-
Rajni Ward No 17,Tola Bathnaha, P.S.- Murliganj District Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranju Devi W/O Late Rajesh Hansda Resident of village- Rajni, P.S.-
Murliganj District Madhepura

... .. Respondent/s

Appearance :

For the Appellant	:	Mr.Barun Kumar Singh, Advocate
For the State	:	Mr.Binay Krishna, Spl.P.P
For the Respondent no. 2 :		Mr. Rajesh Ranjan, Advocate
		Mr. Atul Shankar, Advocate
		Mr. Dipak Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 21-06-2024 Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 and learned Special Public
Prosecutor for the State.

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
10.05.2024 passed by the learned 1st Additional District and
Sessions Judge-cum-Special Judge, SC/ST (POA) Act,
Madhepura in connection with Murliganj P.S. Case No.



451/2023 registered for the offence/s punishable u/ss 302 and 120B read with 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, on 23.10.2023 while the informant along with her husband was in her grocery shop, the co-accused Hare Ram Poddar, Ashok Das, Chhotu Yadav and Vishwajit Kumar @ Pintu Yadav came on two motorcycles which were identified by the informant and they demanded some grocery articles. As soon as her husband started giving grocery to them, they fired on her husband from their pistols due to that he sustained injuries and fell down on the ground. On hulla, the accused persons fled away. The villagers brought her husband to Murliganj Hospital where he died. It is further alleged that in addition to the aforesaid co-accused persons, the co-accused Shekhar Yadav, Rajeev Raja, Om Prakash Das, Pradeep Das, Ranjeet Yadav and Swet Kamal @ Bauaa Yadav were giving threatening to her husband since four years for vacating his land with an intention to grab the same otherwise they would kill him like murder of the deceased's father Babu Lal Marandi, Mangal Tutu and Kapleshwar Das. The informant believed that the aforesaid accused persons under conspiracy to each other murdered her husband.



4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The other co-accused person has been granted bail by this court vide order dated 02.05.2024 passed in Cr. Appeal (SJ) No. 543 of 2024. The specific allegation of firing and causing death of the informant's husband is against the co-accused, Hare Ram Poddar, Ashok Das, Chhotu Yadav and Vishwajit Kumar @ Pintu Yadav. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 28.02.2023.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 10.05.2024 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Madhepura in connection with Murliganj P.S. Case No. 451/2023 is set aside against the appellant. The criminal appeal is allowed.



7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Madhepura in connection with Murliganj P.S. Case No. 451/2023, with the condition:-

(I). The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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