

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3033 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- BIRPUR District- Supaul

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1. Abdulla @ Obedullah Son of Noor Maulavi @ Nurul Haque R/O Vill.- Ghora Ghat, Ward no.5, P.S.- Baluwa Bazar, Dist.- Supaul
 2. Md. Nuhu @ Naihu Son of Maqbool Haji @ Makbbul Hosen @ Maqbool Kaji R/O Vill.- Ghora Ghat, Ward no.5, P.S.- Baluwa Bazar, Dist.- Supaul
 3. Md. Naseem @ Nasim Akhtar Son of Nurul Haque @ Noor Maulavi R/O Vill.- Ghora Ghat, Ward no.5, P.S.- Baluwa Bazar, Dist.- Supaul
 4. Md. Ainul @ Enul Haque Son of Sikendd Ali @ Sikander Ali @ Sikend R/O Vill.- Ghora Ghat, Ward no.5, P.S.- Baluwa Bazar, Dist.- Supaul

... .. Appellant/s

Versus

1. The State Of Bihar
2. Shambhu Ram Son of Lakhan Ram R/O Vill.- Kushhar Ward No.7, P.S.- Balua bazar, Dist.- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Vaishnavi Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Advocte

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

ORAL ORDER

5 13-12-2024 Heard the learned counsel for the parties.

2. This memo of appeal has been preferred on behalf of the appellants under Section 14(A)(2) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, hereinafter to be referred to as 'the Act', for setting aside the order dated 11.06.2024 passed by the learned Additional Sessions Judge-1-cum-Special Judge (SC/ST), Supaul in



connection with Birpur (Balua Bazar O.P.) P.S. Case No. 34 of 2024, registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code and Sections 3(2) (v-a) of 'the Act', whereby the prayer for bail of the appellants has been rejected.

3. As per allegation, the appellants including other accused persons abducted the brother of the informant and threw his dead-body in the river after killing him.

4. The learned counsel for the appellants has submitted that the appellants are innocent and have falsely been implicated on account of village politics. They are in custody for no fault of his since 10.05.2024, having no criminal background. It is also submitted that the provision of SC/ST Act is also not attracted as the occurrence is not said to have taken place in public view. He has further submitted that only on the basis of vague suspicion or with ulterior motive, the informant has implicated the appellants and even the postmortem report is not corroborating the allegation/complain leveled in the F.I.R. Similarly, no explanation has been tendered by the prosecution for not lodging any case for the missing of the deceased. He has further submitted that during entire investigation, no evidence has surfaced to show that the co-accused, Khalil allegedly called the



informant to give information about death of the deceased; neither any phone number has been given by the informant in the F.I.R. nor during entire investigation he has produced any call record to substantiate the same.

5. On the other hand, the learned counsel for the informant has opposed the prayer for bail.

6. Considering the above facts and circumstances, and also keeping in view the period of incarceration since 10.05.2024, the appeal is allowed and the impugned order dated 11.06.2024 is set aside. Accordingly, let the appellants, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1-cumSpecial Judge (SC/ST), Supaul in connection with Birpur (Balua Bazar O.P.) P.S. Case No. 34 of 2024.

(Nawneet Kumar Pandey, J)

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