

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3357 of 2023

Arising Out of PS. Case No.-224 Year-2018 Thana- LALGANJ District- Vaishali

PAPPU MAHTO S/O JANGBAHADUR MAHTO R/O Village and P.O-
Giddha, P.S- Saraia, Distt.- Muzaffarpur, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rambha Devi W/O Late Anil Paswan R/O Village- Dilawarpur, P.S- Lalganj,
Distt.- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anish Chandra
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 11-01-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant, who is languishing in judicial custody, against the order dated 06.07.2023 passed by learned Special Judge SC/ST, Vaishali, Hajipur whereby the prayer for bail of the appellant in connection with P.S. Case no. Lalganj P.S. Case No. 224 of 2018 under Sections 302, 201/34 of the Indian Penal Code and sections 3(i)(v)(a) of SC/ST Act was rejected.

3. Prosecution case in nutshell is that



informant's husband went to the house of co-accused Amarjeet Mahto for the purpose of participating in marriage ceremony but did not return and later his dead body was found lying in the field. It is alleged by the informant that his husband was murdered by the petitioner along with other co-accused persons due to the reason that her husband has illicit relation with the daughter of co-accused Amarjeet Mahto.

4. It is submitted by learned counsel for the appellant that appellant is innocent and he has been falsely implicated in this case due to enmity. There is no eye witness of the alleged offence rather the name of appellant has been dragged in this case merely on the basis of suspicion. 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 him. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated several co-accused persons have been granted bail by different co-ordinate Bench of this Court.



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

6. Having heard learned counsel for the parties
and taking into consideration that there is general and
omnibus allegation against the appellant, the Court is
inclined to allow this appeal. Accordingly, the appeal is
allowed and the impugned order dated 06.07.2023 is
hereby set aside.

7.The appellant is directed to be enlarged on bail
in connection with Lalganj P.S. Case No. 224 of 2018 on
furnishing bail bond of Rs. 10,000/- (Rs. ten thousand
only) with two sureties of the like amount each to the
satisfaction of the learned Special Judge SC/ST, Vaishali,
Hajipur.

(Sunil Kumar Panwar, J)

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