

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3397 of 2024

Arising Out of PS. Case No.-53 Year-2022 Thana- MEHANDIGANJ District- Patna

Rohit Kumar Son Of Mithilesh Yadav Resident of Village -Ranipur, Nichali
Gali, Sangatpur P.S.- Mehandiganj Dist -Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Bablu Das Son Of Gopal Das Resident of Hazari Mohalla, Noon Ka
Chauraha, Ps- Khajekallan, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Tilak Sao, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 04-10-2024

Heard learned counsel for the appellant and learned
Spl.PP for the State.

2. This is the 2nd attempt of the appellant to seek bail from this Court as his prayer for bail was earlier rejected vide order dated 11.01.2024 passed by a Co-ordinate Bench in Criminal Appeal (SJ) No. 1871 of 2023.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 05.07.2024 passed by learned Special Judge, SC/ST (POA) Act, Patna in connection with Special Case No. 54 of



2022, arising out of Mehandiganj P.S. Case No. 53 of 2022, registered for the alleged offences under Sections 302/34 of the Indian Penal Code and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the sister of the informant was married with this appellant after a love affair. The allegation against the appellant and his family members is that they used to torture and assault the sister of the informant and the informant showed his suspicion that this appellant and his family members strangled his sister to death.

5. The learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The deceased has committed suicide and there is no material to show the involvement of the appellant. It has come in the FIR itself that it was the appellant who informed the informant about the condition of his sister. From the facts of the case, it is apparent that no offence under Section 302 IPC is made out against the appellant and only on the basis of suspicion, the appellant has been made accused. The postmortem report shows ligature mark and cause of death was due to compression of neck by ligature but the same could happen due to hanging and which supports the appellant case



that the deceased has committed suicide. Utmost there could be a case under Section 306 of the IPC. The appellant is in custody since 28.03.2022. Learned counsel further submits that only one witness has been examined in this case so far and even that witness turned hostile. The appellant is having antecedent of two cases but he is on bail in both the cases.

6. Learned Spl.PP opposes the submission made on behalf of the appellant. Learned Spl. P.P. submits that no new fact has come to record to reconsider the prayer for bail of the appellant.

7. Perused the records.

8. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the delay in trial and the period of custody of the appellant, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Patna in connection with Special Case No. 54 of 2022, arising out of Mehandiganj P.S. Case No. 53 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :



- (i) One of the bailors will be a close relative of the appellant, preferably one of the parents.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.10.2024
Transmission Date	05.10.2024

