

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3046 of 2022

Arising Out of PS. Case No.-106 Year-2021 Thana- KHAGARIA District- Khagaria

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Abid Hussain @ Eklakh, Son of Mahmood Alam @ Mohammad Mahumad
Alam, R/v- Sabneema, P.S- Athmal Gola, Dist- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arun Manjhi, S/o Sudeshwar Manjhi, Resident of Village- Karnaiti, P.S.-
Bakhtiyarpur, District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar Singh, Adv.
For the Respondent/s : Ms. Usha Kumar 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

10 18-12-2024 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. This is an appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for bail vide order dated
19.06.2021 passed by the learned Additional Sessions Judge-I-
cum-Special Judge, SC/ST Act, Khagaria in connection with
Khagaria (Mufassil) P.S. Case No. 106 of 2021 registered for
the offences punishable under Sections 302 and 379 of the
Indian Penal Code and Section 3(2)(v) of the SC/ST Act.

3. Allegedly, some unknown criminals hired the



vehicle and killed the son of the informant by strangulating him and looted the vehicle.

4. Learned counsel for the appellant submitted that the FIR has been instituted against unknown miscreants, however, during the course of investigation, the appellant was apprehended and certain incriminating materials, including the driving licence of the deceased has been recovered from the *Sasural* of the appellant. It is further contended that save and except recovery of certain incriminating material, there is no other materials suggesting complicity of the appellant in causing the death of the deceased. During the course of investigation, various other persons have been implicated in this case, who have been granted bail by this Court. It is also the contention of the learned counsel for the appellant that the charges have already been framed and now the appellant has been incarcerated since 22.02.2021. However, there is no likelihood of conclusion of the trial in near future, inasmuch as, till date not even a single witness has been examined.

5. On the other hand, learned Spl. P.P. for the State opposed the prayer for bail of the appellant and submitted that the recovery of incriminating material clearly suggests the complicity of the appellant in the present crime.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based upon circumstantial evidence leading to recovery of incriminating material and suspicion of complicity of the appellant, moreover the appellant is in custody for about four years and till date not even a single witness has been examined, let the appellant, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Khagaria in connection with Khagaria (Mufassil) P.S. Case No. 106 of 2021, subject to the condition that one of the bailors will be the close relative of the appellant with further conditions which are as follows:-

(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) The Court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the impugned order dated 19.06.2021 is hereby set aside and the present appeal stands allowed.

(Harish Kumar, J)

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