

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3603 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- PURNAHYA District- Sheohar

RAJMANGAL MAHTO S/O RAM BRIKSH MAHTO R/O VILLAGE-
KHAIRA PAHARI, WARD-4, P.S- PURNAHIYA, DISTT.- SHEOHAR.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SONFI PASWAN S/O LATE FAUJDAR PASWAN R/O KHAIRA PAHARI,
P.S- PURNAHIYA, DISTT.- SHEOHAR, BIHAR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dinesh Jha, Adv.

For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Though notice has validly been served upon the
respondent no.2, but nobody appears on his behalf.

3. Learned counsel for the appellant is directed to make
correction in Para 3 of this memo of appeal in course of the day.

4. 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 anticipatory bail
vide order dated 21.07.2023 passed by learned 1st Additional
Sessions Judge-cum-Special Judge, Sheohar in connection with



Purnahiya P.S. Case No. 25 of 2023 registered under Sections 302, 201 and 34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. Allegedly, having conspiracy, all the accused persons including the appellant committed murder of the informant's son and have hidden his dead body at some unknown place.

6. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation levelled against the appellant is totally false and based on concocted facts. There is no eye witness to the alleged occurrence. His name has been transpired in the present case merely on suspicion. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

7. Learned Spl. PP for the State opposed the prayer for bail.

8. In the facts and circumstances of the case, as there is no specific overt act against the petitioner, the above named appellant, in the event of his arrest or surrender before the



learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Sheohar in connection with Purnahiya P.S. Case No. 25 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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