

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4560 of 2023

Arising Out of PS. Case No.-265 Year-2020 Thana- BIRPUR District- Supaul

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Ramchandra Mehta Son Of Late Fudan Mehta R/O Vill - Ranipatti, Ward No. 1, P.S. - Birpur, Distt. - Supaul, Bihar

... .. Appellant

Versus

1. The State Of Bihar
2. Shanti Devi W/O Late Asharfi Sada R/O Vill - Ranipatti, Ward No. 1, P.S. - Birpur, Distt. - Supaul Bihar

... .. Respondents

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Appearance :

For the Appellant/s : Mr.Kumar Goutam, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 22-11-2024 Heard learned counsel for the appellant and the State.

Nobody appears for respondent no.2 inspite of valid service of notice.

2. This appeal has been filed for setting aside order dated 9.8.2023, passed in a case registered for the offence punishable under sections 302/34 of the IPC, section 27 of the Arms Act and sections 3(i)(r)(s)/3(ii)V(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for regular bail of the appellant has been rejected.

3. As per the prosecution case, all the accused persons including this appellant carrying pistol in the their hands shot dead the husband of informant.



4. It is submitted that appellant has falsely been implicated in this case. It is next submitted that by mistake the name of this appellant has been included in the FIR. As a matter of fact, co-accused Ram Chandra Mehta s/o Hari Prasad Mehta caused fire arms injury to the deceased, whereas petitioner is Ram Chandra Mehta s/o Late Fudan Mehta and there is no allegation of firing against him. Informant has filed an affidavit stating therein that this appellant has got no role in the murder of her husband (deceased). It is not the case of the respondent no.2 that any member of the public was present at the place of occurrence, as such, no offence under the SC/ST Act is made out against the appellant. Appellant claims clean antecedent and he is in custody since 12.6.2023.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. Let the appellant, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge I Supaul cum Special Judge, SC/ST Act Supaul in SC/ST Caswe No. 151 of 2020(Birpur Police



Station Case No. 265 of 2020).

(Prabhat Kumar Singh, J)

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