

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5202 of 2023

Arising Out of PS. Case No.-380 Year-2022 Thana- DELHA District- Gaya

Chandan @ Chandu @ Raja @ Raja Kumar Son Of Shankar Prasad R/O
Village- Dhaniya Bagicha, P.S- Delha Dist,- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Yashoda Devi Wife Of Late Suraj Kumar R/O Village- Dhaniya Bagicha,
Barki Delha, P.S.- Delha, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gajendra Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-06-2024 Heard learned counsel for the appellant, respondent no.
2 and learned Special Public Prosecutor for the State.

2. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 29.09.2023, passed by learned Exclusive Special Judge SC/ST Act, Gaya in connection with Delha P.S. Case No. 380 of 2022, registered under Section 302 of the IPC and Sections 3(ii) (v) of SC/ST Act.

3. Petitioner is said to have committed murder of the husband of the informant.

4. Learned counsel for the appellant submits that the



appellant is innocent and has not committed any offence. He submits that occurrence took place on 02.10.2022 but the FIR has been lodged on 13.10.2022 after delay of 11 days without explaining any reasonable cause of delay. He submits that though the husband of the informant died in hospital but no postmortem report has been done which creates doubt about the prosecution case. He submits that there is no eye witness in the present case and only on the basis of suspicion, petitioner has been made accused in this case. He further submits that appellant has one criminal antecedent as stated in para-3 of this appeal and he is languishing in judicial custody since 13.09.2023.

5. Learned Spl. PP for the State and informant opposed the prayer for bail and submitted that the appellant is also involved in the present case.

6. Considering the facts and circumstances of the case and the period of custody, the above named appellant, be enlarged 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 Exclusive Special Judge, SC/ST Act, Gaya in connection with Delha P.S. Case No. 380 of 2022.



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

(Anjani Kumar Sharan, J)

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