

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5463 of 2023

Arising Out of PS. Case No.-314 Year-2023 Thana- RAMNAGAR District- West Champaran

Md. Naushad Ansari Son of Md. Daud Ansari @ Darud Ansari Resident of Village- Ramnagar Sabuni Chowk, P.S.- Ramnagar, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pappu Baitha Son of Late Sudama Baitha Resident of Village- Sabuni, P.S.- Ramnagar, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sagar Kumar, Advocate
For the Informant	:	Mr.Sanjay Kumar Tiwari, Advocate
	:	Mr.Pratik Kumar, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 04-04-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State, learned counsel for the informant and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 17.10.2023 passed by 1st Additional Sessions Judge-cum-Special Judge under SC/ST Act, West Champaran at Bettiah whereby the prayer for bail of the appellant in connection with Ramnagar P.S. Case No. 314 of 2023 under Sections 302, 379/34 of the Indian Penal Code and



Sections 3(2)(v) of SC/ST Act was rejected.

3. The prosecution case, in short, is that, on 10.07.2023, the accused persons including this appellant took away the brother of the informant with them. Next morning, the dead body of the brother of the informant was found on the *Veranda* of the Government School, Sabuni. It is suspected that this appellant alongwith other co-accused person has committed the murder of informant's brother.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submits that there is no eye-witness to the alleged occurrence and this appellant was never seen in company of the deceased or near the place of occurrence where the dead body of the deceased was found. Learned counsel further submitted that except suspicion, there is no material against this appellant. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant is in custody since 11.07.2023 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the



appellant, and specifically referred paragraph-30 of the case diary wherein co-accused Md. Mahtab Alam in his statement has stated about the involvement of the present appellant in the alleged occurrence and the postmortem report also corroborates the prosecution case. He further states that the alleged offence is serious in nature and, thus, the appellant does not deserve bail.

6. Considering the aforesaid facts and circumstances of the case and there being no specific or direct allegation against the appellant as also considering the period of custody undergone by the appellant coupled with the fact that the appellant having no criminal antecedent, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 17.10.2023 passed by 1st Additional Sessions Judge-cum-Special Judge under SC/ST Act, West Champaran at Bettiah, is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ramnagar P.S. Case No. 314 of 2023, subject to the following conditions:

(i) One of the bailors shall be own/close member of the family of the appellant.



(ii) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

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