

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5502 of 2023

Arising Out of PS. Case No.-104 Year-2020 Thana- ALAMNAGAR District- Madhepura

SUMAN MEHTA @ SUMAN KUMAR SON OF SURESH PRASAD
SINGH @ SURESH MEHTA R/O VILLAGE- BAJRAHA, P.S.- ALAM
NAGAR, DIST.- MADHEPURA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RITA DEVI WIFE OF LATE PANKAJ RAJAK R/O VILLAGE- BAJRAHA
WARD NO. 10, P.S.- ALAM NAGAR, DIST.- MADHEPURA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mritunjay Kumar
For Respondent no.2	:	Mr. Surya Narayan Yadav
For the Respondent/s	:	Mr.Usha Kumari

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 12-07-2024 Heard learned counsel for the parties.

2. This appeal has been preferred on behalf of the appellant under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 01.11.2023 passed by the learned Additional District and Sessions Judge- 1st-cum-Special Judge, Madhepura, in connection in connection with SC/ST Case No.77 of 2020 (s) arising out of Alam Nagar P.S.Case No. 104 of 2020, vide F.No.1982/2020, registered for the offences punishable under Section 302/120B of the Indian Penal Code and Section 27 of the Arms Act including Section 3(1)(s) of SC/ST Act, whereby the prayer for anticipatory bail of



the appellant has been rejected.

3. As per allegation, the husband of the informant had some land dispute with co-accused Anishek Mehta, who was making pressure upon the deceased to vacate the land. It has been mentioned that the accused persons named in the FIR had committed murder of the deceased by firing shot in collusion with said Anishek Mehta.

4. The learned counsel for the appellant has submitted that there is no eye-witness in this case. The FIR itself shows that the husband of the deceased had no dispute with the appellant. He has submitted further that, during investigation, no material came against the appellant and the Investigating Authorities submitted the final form against him, but other accused persons were charge-sheeted. His further submission is that some of the charge-sheeted accused persons have been granted anticipatory bail by a coordinate Bench of this Court, as such, the case of the appellant stands on better footing.

5. On the other hand, the learned counsel for the informant has opposed the prayer for bail by submitting that the accused persons, including the appellant, committed murder of the husband of the deceased, as such, the appellant does not deserve the privilege of bail.



6. Considering the facts and circumstances, especially the fact that other named co-accused persons have been granted anticipatory bail by coordinate Bench of this Court in Criminal Appeal (SJ) No.490 of 2022, vide order dated 23.11.2022, the appeal is allowed and the impugned order dated 01.11.2023 passed by the learned Additional District and Sessions Judge-1st-cum-Special Judge, Madhepura, is set aside.

7. Accordingly, in the event of arrest or surrender within four weeks from today, the appellant, above-named shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-1st-cum-Special Judge, Madhepura in connection with SC/ST Case No.77 of 2020 (s) arising out of Alam Nagar P.S.Case No. 104 of 2020, vide F.No.1982/2020.

(Nawneet Kumar Pandey, J)

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