

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1073 of 2024

Arising Out of PS. Case No.-568 Year-2023 Thana- DAUDNAGAR District- Aurangabad

Mantu Kumar son of Akhilesh Mehta Mohalla- Brahman Toli w.No-17, Ps-
Daudnagar Dist- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakha Devi wife of Suryanath Paswan Village- Amrit Bigha W.No-1, Ps-
Daudnagar Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravindra Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor
For the Res No. 2	:	Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-08-2025 Heard learned counsel for the appellant, respondent
no. 2 and the State.

2. This criminal appeal has been filed against the order dated 15.12.2023 passed by learned Special Judge (SC & ST)-cum-1st Additional District & Sessions Judge, Aurangabad in ABP No. 2357 of 2023 in connection with Daudnagar P.S. Case No. 568 of 2023, instituted under Sections 302/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 27 of the Arms Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. Prosecution case, in brief, is that on 29.09.2023 at



about 4:45 AM, when informant and her husband were going for morning walk, all the F.I.R. named accused persons came on motorcycle and fired bullet upon her husband as a result of which he died on the spot.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Appellant is not named in the F.I.R. and his name transpired during course of investigation as one of the conspirators. As per F.I.R., informant claims to be eye witness of the occurrence but she has not whispered anything about the appellant. There is no allegation of abuse by caste name against the appellant, as such, no offence under SC/ST Act is made out against him. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (SC & ST)-cum-1st Additional District & Sessions Judge,



Aurangabad in ABP No. 2357 of 2023 in connection with
Daudnagar P.S. Case No. 568 of 2023.

7. Accordingly, this criminal appeal is allowed and
impugned order dated 15.12.2023 is set aside with respect to
this appellant only.

(Prabhat Kumar Singh, J)

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