

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3550 of 2024

Arising Out of PS. Case No.-126 Year-2021 Thana- BHARGAMA District- Araria

Jay Kumar Mehta Son of Ram Suchit Mehta Resident of village - Bishariya
Mehta Tola, Ward No.- 3, Police Station - Bhargama, District - Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Labho Devi Wife of Late Gulab Oraon Resident of village - Bishariya Jhagar
Tola, Ward No.- 4, Police Station - Bhargama, District - Araria.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Anamul Haque, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	Mr. Pankaj Kr. Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-03-2025 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 27.06.2024, passed in a case registered for the offence punishable under Sections 302 and 201 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of bail to the appellant has been rejected.

3. As per the prosecution case, informant suspects that this appellant committed murder of her husband.

4. It is submitted by learned senior counsel appearing on behalf of the appellant that appellant is innocent and has committed no offence. From bare perusal of the F.I.R. it is



apparent that informant is not an eye witness of the occurrence and only on suspicion, this appellant has falsely been implicated in this case. During course of investigation, none of the witnesses have claimed to have seen this appellant committing the alleged offence. Police after investigation has submitted final form and not sent up this appellant for trial. Moreover, there is no allegation of abuse by caste name and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. Charge-sheet has already been submitted and appellant is in custody since 15.06.2024. Appellant has got no criminal antecedents.

5. On the other hand, learned S.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to this appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 27.06.2024 passed by the Court of learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Suppl. Spl (SC/ST) Case No. 39 of 2022 arising out of Bhargama P.S. Case No. 126 of 2021 is hereby set aside with respect to this appellant only.



7. Accordingly, 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 learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Bhargama P.S. Case No. 126 of 2021.

(Prabhat Kumar Singh, J)

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