

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4811 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- KADWA District- Katihar

ASHOK KUMAR MURMU @ ASHOK MURMU SON OF LATE SUFAL
MURMU R/O VILLAGE- PACHORA, P.S.- BALRAMPUR, DISTRICT-
KATIHAR

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. JYOTI KISKU D/O LATE RAJ KISHORE KISKU R/O VILLAGE-
KADAM TOLA NADIPUR, P.S.- KADWA, DISTRICT- KATIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bal Krishna Mishra
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

11 15-05-2025 Heard learned counsel for the appellant and learned

Spl. P.P. for the State. Learned Spl.P.P. has already informed the

Respondent No. 2 through S.P. despite that none appeared on

behalf of the Respondent No. 2.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer of bail of
the appellant vide order dated 02.09.2023 passed by the learned
A.D.J.-I-cum-Special Judge, SC/ST Act, Katihar, in B.P. No.
679/2023 in connection with Kadwa P.S. Case No. 136 of 2023
dated 28.06.2023 registered for the alleged offences punishable
under Sections 302 read with Section 34 of the Indian Penal



Code.

3. As per prosecution case, the appellant and co-accused person are alleged to have committed murder of the informant's mother by weapon and threw her dead body behind her house near a pond.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The informant is not the eyewitness to the alleged occurrence and during the investigation no material was found against the appellant. The appellant is the *Mamera* brother of the informant. The appellant has been implicated only on the basis of suspicion. Learned counsel has further submitted that none of the witnesses stated regarding abusing with her caste name in public place, hence no offence under provisions of SC/ST Act is made out against the appellant. Similarly situated co-accused has already been granted bail by this Court vide order dated 20.03.2025 passed in Cr. Appeal (SJ) No. 1179 of 2024. The appellant is in custody since 02.07.2023. The appellant has clean antecedent as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State has opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of



the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 02.09.2023 passed by the learned A.D.J.-I-cum-Special Judge, SC/ST Act, Katihar, B.P. No. 679/2023 in connection with Kadwa P.S. Case No. 136 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-I-cum-Special Judge, SC/ST Act, Katihar, B.P. No. 679/2023 in connection with Kadwa P.S. Case No. 136 of 2023, with the condition/s:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant is liable to be cancelled.

(Chandra Prakash Singh, J)

guddukr/-

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