

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5601 of 2024

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

Md. Mahtab Alam @ Mahtab Alam S/o Munna Miya R/o Vill - Sabuni, P.S.-
Ramnagar, West Champaran, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Pappu Baitha S/o Late Sudama Baitha R/o vill - Sabuni, P.s.- Ramnagar,
Distt.- West Champaran

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 04-04-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 27.09.2024 passed by learned Additional
District and Sessions Judge-Ist cum Special Judge, 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 I.P.C. and Sections 3(2)
(v) of SC/ST Act was rejected.

3. The prosecution case, in short, is that the appellant



and his associates took Subhash Kumar Baitha (deceased) away on the night of 10.07.2023, murdered him and looted Rs. 80,000/-. Next day, the dead body of the deceased was found at a Primary School in Ramnagar.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that there is not eye-witness to the alleged occurrence. Learned counsel further submitted that this appellant was never seen in company of the deceased and no cogent material has come up during the investigation to prove the allegations as suspected by the informant in the FIR. Learned counsel for the appellant further submitted that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 11.07.2023 and has one criminal antecedent. The co-accused person has already been granted bail by this Court vide order dated 04.04.2024 passed in Cr. Appeal (SJ) No. 5463 of 2023.

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



appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 27.09.2024 passed by learned Additional District and Sessions Judge-Ist cum Special Judge, SC/ST Act, West Champaran in connection with Ramnagar P.S. Case No. 314 of 2023 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.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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