

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5659 of 2024

Arising Out of PS. Case No.-200 Year-2024 Thana- KHUSRUPUR District- Patna

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Arun Mallick @ Arun Kumar S/o Sanjay Mallick Resident of Village- Kurtha,
P.S.- Khsrupur, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Anita Devi W/o Chhote @ Kallu Mallick R/o vill - Kurtha Near Mosque,
P.O. - Baikathpur, P.S. - Khusrupur, Distt.- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

5 17-04-2025 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State. Despite issuance of notice to

informant, none appears.

2. The instant appeal has been filed by the appellant

against the order dated 07-10-2024 passed by learned Exclusive

Special judge, SC/ST, Patna whereby the prayer for bail of the

appellant in connection with Khusrupur PS Case No. 200 of

2024 under Sections 363, 365, 302, 201, 120(B) of the IPC and

Sections 3(2)(v) of SC/ST Act was rejected.

3 Prosecution case, in short, is that husband of the

informant went to a funeral with the appellant and others, but

never returned. She later learnt from locals that the accused



forcibly took her towards the river Ganga.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant submits that except suspicion there is nothing against the appellant. There is no eye witnesses to the occurrence. Learned counsel for the appellant further submits 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 28-05-2024 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Dead body of the deceased has not recovered yet. Petitioner in his confessional statement has confessed his guilt.

6. Considering the aforesaid facts and circumstances of the case, there being no cogent material against the appellant even in the case diary and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order order dated



07-10-2024 passed by learned Exclusive Special judge, SC/ST, Patna is hereby set aside.

7. Let the appellant 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 Khusrupur PS Case No. 200 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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