

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.509 of 2022

Arising Out of PS. Case No.-541 Year-2020 Thana- KHAJANCHI HAT District- Purnia

Md. Meeraj @ Ekab Khan @ Md. Ekab Khan, Son of Nafil Khan, Resident of Village - Mahadevganj, Muslim Tola, Police Station - Mufassil, District - Sahebganj (Jharkhand), at presently resident of Rampur, P.S. - K. Nagar, District - Purnea.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Khushboo Devi, wife of Sakti Mallik, Resident of village -Murgiform Lanka Tola P.S.- K.Hat. Dist- Purnia.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Raj Kumar, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Shambhu Sharan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 26-07-2022

Heard learned counsel for the appellant and learned counsel for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 05.10.2021 passed by the learned Special Judge, SC/ST (POA) Act, Purnea in Special SC/ST Case No. 05 of 2021, arising out of K. Hat P.S. Case No. 541 of 2020,



registered under Sections 324, 302, 210-B/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2) (V) of the SC/ST Act.

The prosecution case is that the FIR named co-accused persons hatched a conspiracy and got the husband of the informant murdered. The name of the appellant surfaced during investigation as one of the co-accused persons.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. He is not named in the FIR and except for confessional statement of co-accused persons, there is nothing against him. It is apparent from the FIR that the husband of the informant was shot dead due to political rivalry and the appellant has no role in it. Nothing incriminating has been recovered from this appellant or at the instance of this appellant. The other co-accused persons have been granted bail by different Coordinate Benches of this Court in Cr. Appeal (SJ) Nos.1811 of 2021, 1931 of 2021, 1995 of 2021, 3714 of 2021, 4000 of 2021 and 4005 of 2021. Learned counsel further submits that the charge sheet has been submitted in this case and the appellant is in custody since 08.10.2020 and is having clean antecedent.

Learned Special PP as well as learned counsel for the



informant opposes the prayer for bail submitting that the name of the appellant transpired during investigation.

Perused the records.

Having regard to the submissions made here-in-above and considering the fact that the petitioner is not named in the FIR and no substantive material came up against him during investigation except for confessional statement of the co-accused and further considering the fact that other co-accused persons have been granted bail and further considering the fact that charge sheet has been submitted and the appellant is in custody since 08.10.2020 and is having clean antecedent, let the appellant, above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Purnea in connection with Spl. SC/ST Case No. 05 of 2021, arising out of K. Hat P.S. Case No. 541 of 2020, subject to the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive



dates or in violation of the terms of the bail,
the bail bond of the appellant will be liable to
be cancelled by the court concerned.

Accordingly, the impugned order is set aside and the
appeal is allowed.

However, the trial court is directed to expedite the
trial.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	26.07.2022
Transmission Date	26.07.2022

