

IN THE HIGH COURT OF JUDICATURE AT PATNA**Criminal Appeal (SJ) No.944 of 2016**

Arising Out of PS.Case No. -111 Year- 2016 Thana -BIRPUR District- SUPAUL

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1. Khokha Mukhiya Son of Late Kishan Mukhiya resident of village - Bishanpur
Ghanshyam, P.S. Balua Bazar, District - Supaul

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Mishra

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**ORAL JUDGMENT****Date: 16-01-2017**

1. Heard learned counsel for the appellant as well as learned Special
Public Prosecutor for the State.

2. This criminal appeal filed under section 14 (A) (2) of the SC/ST
(Prevention of Atrocities) Amendment Act has been preferred against the order
dated 8.8.2016 passed by learned Sessions Judge, Supaul in BP no. 376/2016.

3. The informant is not an eye-witness of the alleged occurrence and he
claims that he came to know about involvement of the appellant and others after
the alleged occurrence. In course of investigation, co- accused Lalan Mukhiya
was arrested and confessed his guilt disclosing the manner in which deceased was
killed.

4. Learned counsel appearing for the appellant submits that even if the
confessional statement of co- accused Lalan Mukhiya as well as contents of the
first information report are taken into consideration, then also, appellant had not
actively participated in the alleged crime and there is only allegation against him



that he instigated others to commit murder of the deceased.

5. Considering the aforesaid facts and circumstances as well as submissions of the parties, this criminal appeal is allowed and the impugned order dated 8.8.2016 passed by learned Sessions Judge, Supaul in BP no. 376/2016 is set aside.

6. Accordingly, it is ordered that in the event of arrest/ surrender within six weeks from the date of receipt of this order to the concerned court, let the appellants above named be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Sessions Judge, Supaul in Sessions Trial no. 202/2016 arising out of Birpur (Balua Bazar) P.S. Case no. 111/2016.

(Hemant Kumar Srivastava, J)

Shahid/-

AFR/NAFR	NAFR
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