

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.646 of 2019**

Arising Out of PS. Case No.-161 Year-2018 Thana- SONBERSA District- Sitamarhi

MAHENDRA MUKHIA Male, aged about 68 years Son of Baldeo Mukhia
Resident of Village- Hanuman Nagar, P.S.- Sonebarsa, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pushpendra Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 27-03-2019 Heard learned counsel for the parties.

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 10.01.2019 passed by learned **1st Additional District & Sessions Judge cum Special Judge (SC/ST), Sitamarhi**, in connection with **Sonebarsa P.S. Case No. 161 of 2018** registered under Sections 302/34 of the IPC and Section 3(2)(va) of SC/ST (Prevention of Atrocities) Act.

Informant in his written complaint has alleged that on 19.08.2018 at about 8:00 pm accused Jhapsi Mukhiya took away her deceased husband and thereafter his dead body was



found and it is alleged that the FIR named accused have committed murder of her husband. Except being named in the FIR there is no specific allegation against the Appellant of committing any overt act and the allegations are general and omnibus against all the accused persons.

It has been submitted on behalf of the Appellant that he is neither related with accused Jhpsi Mukhiya who took away husband of Informant or Raj Kumari Devi against whom there is allegation of illicit relation with the deceased. He is only a co-villager and has been made accused on the basis of suspicion only. Appellant has got no criminal antecedent and is in custody since 21.08.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by



the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the Appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellant.

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

(S. Kumar, J)

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