

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2164 of 2019

Arising Out of PS. Case No.-14 Year-2019 Thana- PATAHI District- East Champaran

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1. SHYAMDEO MUKHIYA Son of Late Shiv Mukhiya Resident of Village - Dumari Govind (Chhotka Balua), P.S.- Patahi, Distt - East Champaran.
 2. Anup Mukhiya Son of Late Uttim Mukhiya Resident of Village - Dumari Govind (Chhotka Balua), P.S.- Patahi, Distt - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mahendra Paswan Son of Late Nathuni Paswan Resident of Village - Dumari Govind (Chhotka Balua), P.S.- Patahi, Distt - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Madhurendra Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 27-05-2019 Heard learned counsel for the appellants and learned counsel appearing on behalf of the State.

The appellants are aggrieved by the order dated 22.4.2019 passed in Patahi P.S. Case No. 14 of 2019 registered under Sections 448, 323, 354(B), 436, 504, 506, 34 IPC and Section 3(1) (W) of SC/ST (POC) Act by the 1st Additional Sessions Judge cum Special Judge, East Champaran at Motihari by which the prayer for bail of the appellants has been rejected.

Learned counsel for the appellants would submit that the appellants have no criminal antecedent. Referring to the prosecution case he submits that there is no specific overt act



against these appellants. There is case and counter case between the parties. The appellants are in custody since 31.3.2019.

Considering the fact that there is no specific allegation or overt act against the appellants, the Court is inclined to allow the appeal. Accordingly, the appeal is allowed. The order dated 22.4.2019 passed by the 1st Additional Sessions Judge cum Special Judge, East Champaran at Motihari in Patahi P.S. Case No. 14 of 2019 registered under Sections 448, 323, 354(B), 436, 504, 506, 34 IPC and Section 3(1) (W) of SC/ST (POC) Act, is set aside.

Let the appellants be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge cum Special Judge, East Champaran at Motihari in connection with Patahi P.S. Case No. 14 of 2019.

(Anil Kumar Upadhyay, J)

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