

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2933 of 2019**

Arising Out of PS. Case No.-91 Year-2019 Thana- BIHARSHARIF District- Nalanda

Sonu Mistri Son of Sri Karu Mistri Resident of Village- Maniram Akharapar,
P.S.- Biharsharif, District- Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Diwakar Upadhyaya
For the Respondent/s : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 13-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 20.06.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Nalanda at Biharsharif in Bihar P.S. Case No. 91 of 2019 registered under Sections 302, 201/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Three named accused persons and four unknown miscreants are said to have committed murder of the husband of the informant over money of toddy consumed by them taking



from her husband.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case due to dirty village politics. He is not named in the FIR. There is no eyewitness of the occurrence. There is nothing on the record indicating complicity of the appellant barring confessional statements of Mister @ Md. Mister and Sachin Choudhary which have no evidentiary value in the eye of law. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent and has been languishing in custody since 23.02.2019. Said Mister @ Md. Mister and Sachin Choudhary have been enlarged on bail by this Court vide orders dated 03.07.2019 and 22.07.2019 passed in Cr. Appeal (SJ) Nos. 2029 of 2019 and 2346 of 2019, respectively.

Having regard to the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Nalanda at Bihar Sharif in connection with Bihar P.S. Case



No. 91 of 2019.

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

(Prakash Chandra Jaiswal, J)

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