

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2981 of 2019

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

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Jhapasi Mukhia Son of Late Mohichand Mukhia @ Manichand Mukhia
Resident of Village - Hanuman Nagar, P.S.- Sonebarsa, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

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

ORAL ORDER

3 29-08-2019 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 25.04.2019 passed by learned 1st Addl. District & Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in Sonebarsa P.S. Case No. 161 of 2018 registered under Sections 302/34 of the Indian Penal Code and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant Jhapasi Mukhiya took the husband of the informant in the night on 19.08.2019 slating him in the name of his caste and on following morning the dead body of her



husband was found. She learnt that said Jhapasi Mukhiya along with other named accused persons eliminated her husband by strangulating her neck and assaulting him by means of brick-bat.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. There is no eyewitness of the occurrence. 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 4.04.2019, hence, he may be enlarged on bail.

Per contra, learned Spl. P.P. for the State counsel for the appellant submitted that the appellant had taken the husband of the informant from her house slating him in the name of his caste and his dead body was found on the following day. Informant in his further statement and witnesses in paragraph 9 of the case diary, have supported the aforesaid occurrence. Numbers of witnesses in the case diary have stated that the deceased was having illicit affair with the wife of Kishori Mukhiya and both had eloped on earlier occasion and due to aforesaid reason, all the accused persons committed murder of the deceased by taking him from his house through



appellant. Appellant was last seen with the deceased and the deceased was murdered in the very short span of time.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer is rejected.

However, learned court below is directed to conclude the trial as expeditiously as possible preferably within nine months from the date of framing charge and S.P. Sitamarhi is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P. Sitamarhi by fax for needful.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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