

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5189 of 2019

Arising Out of PS. Case No.-218 Year-2013 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Phool Mukhiya, Son of Dev Narayan Mukhiya, Resident of Village - Usri, P.S.- Kusheswarasthan, Distt - Darbhanga.
 2. Rabi Mukhiya, Son of Shankar Mukhiya, Resident of Village - Usri, P.S.- Kusheswarasthan, Distt - Darbhanga.
 3. Raspati Mukhiya @ Rashtapati Mukhiya, Son of Bhubneshwar Mukhiya, Resident of Village - Usri, P.S.- Kusheswarasthan, Distt - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kedar Jha, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 28-11-2019 Heard learned counsel for the appellants and the
learned counsel appearing on behalf of the State.

This appeal is directed against the order dated 25.10.2019 passed in A.B.P. No.1535 of 2019 passed by the learned 1st Additional Sessions Judge-Cum-Special Judge [SC&ST (POA) Act], Darbhanga, whereby and whereunder the learned court has refused to grant anticipatory bail to the appellants, who have been made accused in Kusheswar Asthan P.S. Case No.218 of 2013 registered under Section 341/342/447/323/325/379/427/435/504/34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Caste and



Scheduled Tribe (Prevention of Atrocities) Act.

Learned counsel for the appellants submits that the entire allegation is false and the appellants have been implicated in this case due to grudge and dirty village politics. It is further submitted that the allegation of using caste name is also false and these appellants are not said to have attacked the informant. It is further submitted that no case under Section 3(i)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is made out against the present appellants and the other offences are found to be bailable in nature.

Considering the aforementioned facts and circumstances, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds 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, SC/ST (POA) Act, Darbhanga, in connection with Kusheswar Asthan P.S. Case No.218 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



In the result, the appeal is allowed and the
impugned order dated 25.10.2019 is set aside.

(Anjana Mishra, J)

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