

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1428 of 2020

Arising Out of PS. Case No.-194 Year-2019 Thana- SANGRAMPUR District- East
Champaran

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INDAL MUKHIYA Son of Lal Bahadur Mukhiya Resident of Village-
Koorgawa, P.S.- Sangrampur, District- East Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Y. C. Verma, Sr. Adv. Mr. Umesh Chandra Verma, Adv.
For the Respondent/s	:	Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 11-12-2020 Heard Mr. Y. C. Verma, learned senior counsel for the

appellant and Mr. Binay Krishna, Special Public Prosecutor for the

state through video conferencing.

2. The present appeal is directed against order dated
16.06.2020 passed by Additional Sessions Judge-1st-cum-Special
Judge, SC/ST (POA) Act, East Champaran at Motihari in connection
with Sangrampur PS Case No. 194/2019 for the offence registered
under Sections 147, 302, 201 of the IPC and Section 3(2), (v) of the
SC/ST (POA) Act, by which regular bail application of the appellant
has been rejected.

3. The allegation, as per prosecution story, is that the
appellant along with other accused persons arrived at the house of the
informant and took her husband along with them for the purpose of
cutting bamboo trees and subsequently, the dead body of the husband
of the informant was found.



4. Learned senior counsel for the appellant submits that apart from the fact that appellant along with other accused persons, allegedly, took away the husband of the informant, no other material has come against the appellant to connect him with the present offence. Learned senior counsel further submits that except for the fact that appellant and other accused persons were last seen with the deceased, no other material has come against the appellant. Learned senior counsel next submits that a similarly situated co-accused person, namely, Prem Mukhiya @ Premchandra Mukhiya has been granted bail by a Bench of this Court vide Cr. Misc. No. 78824/2019 and the appellant is in custody since 16.02.2020.

5. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused person has been granted bail by a Bench of this Court and the appellant is in custody since 16.02.2020, accordingly, the present appeal is allowed, setting aside the order dated 16.06.2020 passed by Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari.

6. Accordingly, let the appellant, INDAL MUKHIYA be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Sangrampur PS Case No. 194/2019.



7. It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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