

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2365 of 2021

Arising Out of PS. Case No.-183 Year-2019 Thana- MAHISHI District- Saharsa

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PAPPU MUKHIYA @ PAPPU KUMAR s/O- Dularchand Mukhiya @
Dularchan Mukhiya Resident of village - Manaur, P.S. - Mahishi (Jalai O.P.),
District - Saharsa.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Nafisuzzoha, Adv. Mr.Manjeet Kumar Mishra, Adv.
For the Respondent/s	:	Mrs.Usha Kumari, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-06-2021 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual

mode.

This is an appeal under section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for bail vide order
dated 09.03.2021 passed by learned Additional Sessions
Judge 3rd -cum- Special Judge SC/ST Act, Saharsa in
Special Case No.321 of 2019 in connection with Mahishi
(Jalai O.P.) P.S. Case No.183 of 2019 registered under
sections 147, 148, 149, 341, 342, 302, 504, 506 IPC and



sections 3(2)V of the SC/ST Act.

The prosecution case in short is that the informant's family are active in politics and two members have contested the election of Mukhiya, as a result of which the rival politicians of village were having jealousy. The allegation is regarding the brother of the informant having gone to bring medicine, however, subsequently, one Dharmendra Mukhiya arrived at the door of the informant on the motorcycle of the deceased for the purposes of handing over the medicine to the informant and when the whereabouts of the deceased, namely, Rajesh, was asked he had disclosed that he was at his house where this appellant and others were gossiping election matter. Subsequently, the said motorcycle was found parked in front of the house of the informant and said Rajesh was found missing. It is further alleged that in the morning, the dead body of the deceased was found lying in the field.

It is submitted by learned counsel for the appellant that the appellant is quite innocent and has not committed any offence. He has been falsely implicated in the present case due to village politics. The appellant is not named in the F.I.R. and during investigation his name came in light



and after lapses of long time the police gave petition to add the name of this appellant in the F.I.R. The co-accused Dharmendra Mukhiya @Dharmendre Mukhiya, who is named in the F.I.R. has been granted bail by a co-ordinate bench of this court vide Cr. Appeal (SJ) No.2041/2020 dated 24.02.2021(Annexure-2). There is no eye-witness to the alleged occurrence and on mere suspicion, he has been made accused in this case. The accusation does not constitute any offence under SC/ST Act inasmuch as there is no allegation that the alleged occurrence has taken place in public view or he has abused the informant by taking his caste name. The appellant has been languishing in custody since 09.03.2021 and has clean antecedent.

Learned Spl.P.P. for the State vehemently opposed the prayer for bail and submitted that the appellant is involved in the alleged offence.

Considering the aforesaid facts and circumstances and the fact that the F.I.R. named co-accused has been granted bail, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 3rd



-cum- Special Judge SC/ST Act, Saharsa in connection with
Mahishi (Jalai O.P.) P.S. Case No.183 of 2019.

Impugned order dated 09.03.2021 is set aside and
appeal is allowed.

(Anjani Kumar Sharan, J)

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