

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2416 of 2021**

Arising Out of PS. Case No.-136 Year-2020 Thana- MADHUBANI TOWN District-
Madhubani

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AKHILESH SINGH @ AKHILESHWAR PRASAD SINGH, Son of Late
Vinde Singh Resident of Village- Nima Belam, P.S.- Sakri, District-
Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajay Kr. Thakur, Adv.

: Mr.Nilesh Kumar, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl. PP

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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 P.P. for the State through virtual court proceedings.

The appeal has been filed by the appellant against
the order dated 12.02.2021 by the learned Additional Sessions
Judge-I cum Special Judge S.C./S.T. Act, Madhubani whereby
the prayer for bail of the appellant was rejected, in connection
with Madhubani Nagar P.S. Case No. 136/2020 registered for
the offences under Sections 341, 323, 324, 307, 302, 379, 427,
452, 504, 506/34 of the Indian Penal Code, Section 27 of the
Arms Act and under Sections 3(I)(r) and 3(II)va of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



Allegation against the appellant alongwith other accused persons is said to have assaulted the informant and his family members by gun shot.

Learned counsel for the appellant submits that the appellant is innocent and has been committed no offence in this case. There is land dispute between the parties and there is general and omnibus allegation against the appellant. As per FIR, there is specific allegation against the co-accused Arun Kumar Jha of firing causing injury to Lalan Paswan (deceased) and on Kamaldeo Thakur of causing injury by firing to Deepak Kumar and in the post-mortem report of Lalan Paswan, except one entrance wound, no other ante-mortem injury was found. The appellant is in custody since 16.06.2020 and has got 03 criminal antecedents which is mentioned in para 3 of the bail application. Similarly situated co-accused namely Arun Kumar Jha and Kamaldeo Thakur have been granted bail by the Co-ordinate Benches of this Court vide order dated 16.03.2021 passed in Cr. Appeal (SJ) No.1948/2020 and order dated 05.04.2021 passed in Cr. Appeal (SJ) No.509/2021.

Learned Special P.P. for the State opposed the prayer for bail.

Considering the aforesaid facts and circumstances



of this case, the main assailant has been granted bail, let the appellant, above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Madhubani Nagar P.S. Case No. 136/2020.

Accordingly, the order dated 12.02.2021 is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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