

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2914 of 2021**

Arising Out of PS. Case No.-16 Year-2021 Thana- KARJA District- Muzaffarpur

Vikky Kumar S/O Harihar Ram Resident Of Village Pakari Pakohi, P.S-Karja,
District-Muzaffarpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar

For the Respondent/s : Smt. Usha Kumari, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 22-07-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed against order dated 23.03.2021 passed by learned A.D.J.-III cum Special Judge SC/ST (POA) Act, Muzaffarpur in Karja P.S. Case No. 16 of 2021, registered for the offence punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Sections 3(1)(r)(s)/2(v) (va) of SC/ST Act, whereby the prayer for bail of appellant has been rejected.

As per the prosecution case, all accused persons including this appellant abused the brother of the informant by caste name and it is further alleged that the appellant alongwith other co-accused persons caught hold of the deceased and co-accused Shahbaj Ansari gave repeated knife blow in his



abdomen, as a result of which, the brother of the informant died during treatment.

It is submitted on behalf of the appellant that there is general and omnibus allegation. Specific allegation of overt act is against co-accused Shahbaj Ansari and no overt act has been attributed against the appellant. As per FIR itself, the alleged incident has taken place in the house of the informant, and as such, no case under the SC/ST Act is made out. The appellant has got clean antecedent and is in custody since 15.01.2021.

Considering the aforesaid facts & circumstances as well as period of custody and clean antecedent of the appellant, the impugned order dated 23.03.2021 is, hereby, set aside and appeal is allowed.

Let the appellant, above named, 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 A.D.J.-III cum Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Karja P.S. Case No. 16 of 2021.

(Prabhat Kumar Singh, J.)

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