

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1822 of 2020

Arising Out of PS. Case No.-103 Year-2020 Thana- MAHUA District- Vaishali

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Laxmi Pathak @ Laxmi Kant @ Laxmi Kant Pathak S/o- Shambhu Pathak
R/o Village- Singhara, P.S.- Mahua, District- Vaishali. Appellant/s
Versus

The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Shyameshwar Kumar Singh, Advocate

For the Respondent/s : Mr. Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 04-01-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 6.3.2020 passed by the learned 1st Additional Sessions Judge, Vaishali whereby the prayer for bail of the appellant in connection with Mahua P.S. Case no. 103 of 2020 registered under sections 452, 342, 380, 506 and 34 of the Indian Penal Code and section 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the FIR, it is stated that on being asked by the informant not to sell illicit liquor, the accused Tulu Paswan made an objectionable video of the informant's wife and circulated the same. Thereafter, it is stated that he along with his accomplice committed robbery in the house of the informant. Soon thereafter the appellant is stated to have been caught having hidden himself in the 'marai'.



It is submitted by learned counsel for the appellant that from the FIR itself it would transpire that the allegation if any, is against Tulu Paswan. It was under a misunderstanding that the appellant who was passing by was caught and has been falsely implicated in the case. It is submitted that no incriminating article has been recovered from the appellant who has no criminal antecedent and is in custody since 29.2.2020.

The appeal is opposed by learned Spl. PP appearing for the State.

Having heard learned counsel for the parties and in the facts and circumstances of the case including the appellant being in custody since 29.2.2020, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 6.3.2020 impugned herein is set aside.

The appellant is directed to be enlarged on bail in connection with Mahua P.S. Case no. 103 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Vaishali.

(Partha Sarthy, J)

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