

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2996 of 2021

Arising Out of PS. Case No.-80 Year-2021 Thana- BAJPATTI District- Sitamarhi

NANTUN MUKHIYA Son of Late Budhan Mukhiya Resident of Village -
Keshopur Dhadhi, Police Station - Bajpatti, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Madhubala Verma, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-08-2021 Heard learned counsel for the parties through video conferencing.

The instant appeal has been preferred against the order dated 22.6.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC and ST (POA) Act, Sitamarhi whereby the prayer for bail of the appellant in connection with Bajpatti P.S. Case No.80 of 2021 registered under sections 307, 427 and other sections of the Indian Penal Code and section 3 of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R., on the informant and other police personnel going to conduct a raid with respect to illicit dealing in liquor, it is stated that 30-40 accused persons including Nita Devi and Babloo Kumar attacked to police party



causing injuries. It is finally stated that the driver of the police vehicle also identified seven accused persons including the appellant herein.

It is submitted by learned counsel for the appellant that the appellant has been falsely implicated in the case. Although he has been named in the concluding part of F.I.R., no specific overt act has been alleged against him. The allegations are general and omnibus in nature. The appellant is in custody since 15.4.2021 and investigation in the case has concluded.

The appeal is opposed by learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegations together with the investigation in the case having concluded, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 22.6.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC and ST (POA) Act, Sitamarhi is set aside.

The appellant is directed to be enlarged on bail in connection with Bajpatti P.S. Case No.80 of 2021 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-cum-Special Judge, SC and ST
(POA) Act, Sitamarhi.

(Partha Sarthy, J)

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