

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2080 of 2020

Arising Out of PS. Case No.-297 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

-
1. Mukesh Kumar @ Mukesh Prasad Son of Yogi Lal Prasad, Resident of Village - Dhekahaan, Fakira Tola, P.S.- Muffassil, District - East Champaran.
 2. Bhusan Kumar @ Bhushan Prasad Jogi Lal Prasad, Resident of Village - Dhekahaan, Fakira Tola, P.S.- Muffassil, District - East Champaran.
 3. Bhola Prasad Son of Chanardev Prasad, Resident of Village - Dhekahaan, Fakira Tola, P.S.- Muffassil, District - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Asif Kalim
For the Respondent/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 09-02-2021 Heard learned counsel for the appellants and learned
counsel for the State.

The appeal is admitted.

In this appeal, the appellants are seeking anticipatory bail in connection with Muffasil P.S. Case No. 297 of 2019 registered for offence punishable under sections 341, 342, 323, 353, 352, 427, 307, 504, 506 of the Indian Penal Code and sections 3 (i) (r), 3 (2) (ra) of the SC/ST (POA) Act.

It appears from the record that after receiving the information about killing of one person near the canal, the informant along with other police personnel went there and



found the dead body of a male lying there. Thereafter, the informant called the sniffer dog to find out the persons involved in the said crime. By that time, the police party acted upon and went to the house of the victim to inquire the condition but due to much delay in reaching the sniffer dog, villagers became furious and 40-50 persons assembled there, surrounded the police party and tried to assault and started slogan as also started hurling abuses to the police party. In that course, the police personnel started to save their lives and, in the meantime, when the police jeep reached there, all the accused persons damaged the same.

Learned counsel for the appellants submits no specific allegation has been levelled against these appellants. The appellants have no criminal antecedents.

Looking to the facts and circumstances of the case, the impugned order dated 24.06.2020 is set aside and the appellants above named, in the event of arrest or surrender before the court below within six weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, SC/ST, East Champaran, Motihari in connection with Muffasil P.S. Case



No.297 of 2019, subject to condition that one of the bailors of the appellants shall be their close relative. Further condition is that if the appellants would repeat the similar type of offence in future, the relief granted to the appellants will be treated to have been withdrawn.

(Shivaji Pandey, J)

Mahesh/-

U		T	
---	--	---	--

