

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3147 of 2021**

Arising Out of PS. Case No.-61 Year-2021 Thana- MAHISHI District- Saharsa

MITHUN KUMAR SHARMA Son of Late Narayan Sharma Resident of
Village- Naharwar, P.S.- Mahishi, District- Saharsa.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr. Pramod Mishra, Advocate
For the State : Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 09-09-2021 Let the defects be removed within four weeks of the
start of the physical Court.

Heard the parties in virtual Court proceeding.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 02.07.2021 passed by the learned Additional Sessions Judge-III-cum Special Judge SC/ST (POA) Act, Saharsa in connection with Criminal Case No. 756 of 2021 arising out of Mahishi P.S. Case No. 61 of 2021 registered under Sections 302, 201, 120(B)/34 of the I.P.C., and Section 3(1)(r)(s)/ 3(2)(v)/ 3(2)(va) of the SC/ST Act.

Appellant is not named in the FIR whereas the FIR has been registered against one named person. During



investigation name of the appellant surfaced.

Submission is that there is no eye witness of the occurrence. Investigation of the case is already complete.

Considering the facts aforesaid, let the appellant, above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(c) The appellant shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

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