

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2073 of 2020

Arising Out of PS. Case No.-94 Year-2016 Thana- SAKRA District- Muzaffarpur

TAPAN KUMAR @ RAPAN KUMAR @ TAPAN KUMAR SINGH S/o Late
Suryadev Singh@ Late Surajdeo Singh R/o village- Sanghopatti, P.S.- Sakra,
District- Muzaffarpur

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Shekhar Anand
For the Respondent/s : A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 20-02-2021 As prayed for, let the learned counsel appearing for the appellant remove the defect(s), as pointed out by the office vide its notes dated 11.12.2020, within four weeks of starting of Court proceeding in physical mode.

Heard learned counsel for the appellant and learned Special P.P. for the respondent-State.

The present appeal has been preferred on behalf of the appellant for setting aside the order dated 29.06.2020 passed by learned Additional Sessions Judge-IX-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur, whereby the appellant's prayer for bail, in connection with Sakra P.S. Case No. 94 of 2016, registered for the offences punishable under Sections 147, 148, 149, 297, 337, 325, 436 and 302 of the Indian Penal Code and Section 3(ii)(v) of the SC/ST (Prevention of Atrocities) Act, has



been rejected.

Accusation against the appellant and six others named in the F.I.R. and 20-25 unknown is of setting the house of the informant Sanjeet Kumar on fire in which his daughter Anushka Kumari sustained burn injury and died.

Learned counsel appearing on behalf of appellant submits that while the appellant is named in the F.I.R. along with six others and 20-25 unknown, but no specific overt act has been attributed against the appellant. Further submission is that similarly situated co-accused Avinash Singh @ Avinash Kumar @ Avinath Singh @ Avinash Kumar Singh has already been allowed privilege of bail vide Criminal Appeal (S.J) No. 3031 of 2018 on 06.09.2018. The appellant is in custody since 12.03.2020.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IX-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Sakra P.S. Case No. 94 of 2016.

Accordingly, the impugned order is set aside and



appeal is allowed.

(Rajendra Kumar Mishra, J)

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