

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3267 of 2021**

Arising Out of PS. Case No.-249 Year-2021 Thana- KANTI District- Muzaffarpur

Subodh Singh S/o Late Ramanandan Singh Resident of Village- Suratpur,
P.S.- Kanti, District- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pravin Kumar, Adv.

For the Respondent/s : Mr. Usha Kumari 1, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 23-08-2021 Heard learned counsel for the parties through video conferencing.

The instant appeal has been preferred against the order dated 5.7.2021 passed by the learned Additional District and Sessions Judge 2nd -cum-Special Judge, SC/ST Act, Muzaffarpur whereby the prayer for bail of the appellant in a case registered under section 302 and other sections of the Indian Penal Code and section 3(1)(r)(s) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per prosecution case, on instigation by the appellant, it is stated that the accused persons named in the F.I.R. assaulted the husband of the informant leading to his death.

It is submitted by learned counsel for the appellant that the appellant has been falsely implicated in the case.



Accepting the allegations in the F.I.R. for the sake of argument, no overt act has been alleged against the appellant who is in custody since 25.4.2021 and investigation in the case has concluded.

The appeal is opposed by learned Spl.P.P. for the State who submits that the appellant is named in the F.I.R. and has participated in the occurrence.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the appellant being in custody since 25.4.2021, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 5.7.2021 passed by the learned Additional District and Sessions Judge 2nd-cum-Special Judge, SC/ST Act Muzaffarpur, is set aside.

The appellant is directed to be enlarged on bail in connection with Kanti P.S. Case No.249 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 Additional District and Sessions Judge 2nd-cum-Special Judge, SC/ST Act, Muzaffarpur.

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(Partha Sarthy, J)

