

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3259 of 2021

Arising Out of PS. Case No.-34 Year-2021 Thana- ALINAGAR District- Darbhanga

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Kari Jha @ Dev Narayan Jha Son of Phule Jha @ Phulo Jha @ Fuleshwar Jha
Resident of Village - Nabharpatti, Police Station - Alinagar, District -
Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar Singh, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-08-2021 Heard learned counsel for the parties through video
conferencing.

The instant appeal has been preferred against the order dated 5.3.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Darbhanga, whereby the prayer for bail of the appellant in a case registered under sections 436, 354B, 379, 323, 504, 506, 147, 148, 149 and 448 of the Indian Penal Code and sections 3(1)(r) and (s) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegations in the F.I.R., the accused persons including the appellant herein came variously armed, misbehaved with the lady members of the family, abused and



thereafter burnt the house.

It is submitted by learned counsel for the appellant that the allegations as levelled in the F.I.R. are false and concocted. Alinagar P.S. Case no. 30 of 20201 was registered under section 307 and other sections of the Indian Penal Code by one Harish Chandra Jha against the husband of the informant and others on 29.3.2021 for an occurrence which had taken place on the same day and it is as a counter blast and to set up a defence that the instant F.I.R. has been registered. 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 facts and circumstances of the case, the case and counter case between the parties and investigation in the case having concluded, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 5.3.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Darbhanga, is set aside.



The appellant is directed to be enlarged on bail in connection with Alinagar P.S. Case No.34 of 2020 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/ST (POA) Act, Darbhanga.

(Partha Sarthy, J)

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