

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.570 of 2021

Arising Out of PS. Case No.-140 Year-2020 Thana- CHANPATIA District- West Champaran

Mustakim Miyan @ Mastakim Miyan @ Mastakin Miyan @ Shekh Mustakim, aged about 45 years, Gender – Male, Son of Iss Mohammad Saikh, Resident of Village - Pokhariya Rai Ambedkar Nagar, P.S. - Chanpatiya Dist. - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binay Kumar, Advocate
For the State : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-03-2021 Heard learned counsel for the appellant and learned
A.P.P. for the State.

The appeal is against the order dated 29.08.2020 passed by learned 1st Additional and Sessions Judge-cum-Special Judge, SC/ST, West Champaran at Bettiah in connection with Chanpatiya P.S. Case No.140 of 2020 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 302, 354, 427, 307, 448, 504, 506 of the Indian Penal Code and Sections 3 (i)(r)(s)(w)(i)/ 3(2)(v)(va) of SC/ST (Prevention of Atrocities) Act and Section 27 of the Arms Act, has been rejected.

The prosecution case in brief is that all FIR named accused including the appellant and other 20-25 unknown accused abused the informant and others by their cast name and



done loot and assaulted them with rod, Bhala.

Learned counsel for the appellant submits that there is no specific overt act against the appellant. There is general and omnibus allegation against the appellant. He further submits that similarly situated co-accused has been granted bail by this Co-ordinate Bench of this Court vide order dated 19.02.2021 passed in Cr. Appeal (SJ) No.78 of 2021.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellant be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST, West Champaran at Bettiah in connection with Chanpatiya P.S. Case No.140 of 2020.

Accordingly, the order dated 29.08.2020 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

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