

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2810 of 2021**

Arising Out of PS. Case No.-64 Year-2021 Thana- KARJA District- Muzaffarpur

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Krishna Devi W/o Kamal Singh @ Kamal Kumar Sharma R/o village-
Marwan Bhoj, P.S.- Karja, Distt.- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Puja Devi Sunil Ram R/o Vill - Marwan, P.S.- Karja, Dist.- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Chitranjan Sinha, Sr. Adv. Mr. Hari Kishore Thakur, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 24-01-2022 Heard learned senior counsel for the appellant and

learned Special Public Prosecutor for the State through virtual

court proceeding.

Vide order date 02.11.2021, notice was issued to the
newly added respondent no. 2. From perusal of the office notes,
it appears that notice has been validly served upon the
respondent no. 2, but nobody appeared on his behalf.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 11.06.2021, passed by
learned Additional Sessions Judge-III-cum-Special Judge,
SC/ST (POA) Act, Muzaffarpur in connection with Karja P.S.



Case No. 64 of 2021, registered under Sections 363, 364, 302, 201/34 of the IPC and Sections 3(i) (r) (s), 2 (v) (va) of SC/ST Act.

Initially, the FIR has been lodged against unknown with regard to missing of son of informant, but during course of investigation, on the basis of written statement of one of the witness namely Arbind Kumar for the alleged kidnapping and murder of son of informant, this appellant has been made accused.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. Appellant is not named in the FIR. He has been falsely implicated in this case merely on disclosure made by a witness. No incriminating article has been recovered from the possession of the appellant. He submits that similarly situated co-accused has been granted bail by a Bench of this Court in Cr. App (SJ) No. 3057 of 2021 on 27.09.2021. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal and he is languishing in judicial custody since 21.04.2021.

Learned Spl. PP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case as



also the fact that there is no specific overt act against the appellant, the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Karja P.S. Case No. 64 of 2021.

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

(Anjani Kumar Sharan, J)

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