

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3337 of 2021**

Arising Out of PS. Case No.-45 Year-2020 Thana- KHARHAGPUR District- Munger

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MITHUN KUMAR Son of Wakil Rajak Resident of Village- Gaura, P.S.-
Shampur (Haveli Kharagpur), District- Munger.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Bablu Choudhary Son of Late Sumrit Choudhary Resident of village- Gaura,
P.S.- Shampur (Haveli Kharagpur) District- Munger.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Raj Kumar Choudhary
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 31-01-2022 Heard learned counsel for the appellant and learned
Special P.P. for the State virtual court proceedings.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’)
against the refusal of prayer of bail vide order dated 08.06.2021,
passed by learned Special Judge (SC/ST Act)-cum-A.D.J.-I,
Munger in connection with Shampur (Haweli Kharagpur) P.S.
Case No.45 of 2020, registered under Sections 302, 201/34 of
the Indian Penal Code and Section 3(2)(v) of the SC/ST Act.

By order dated 24.11.2021, notice had been issued to
respondent no.2. The office points out that notice has validly



been served upon respondent no.2.

The allegation against the appellant and other co-accused persons is that they killed the maternal grandson of the informant.

Learned counsel for the appellants submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that merely on suspicion, the appellant has been made accused in this case. It is submitted that other co-accused persons have already enlarged on bail by different co-ordinate Benches of this Court vide order passed in Criminal Appeal (SJ) No.1717 of 2020, dated 14.12.2020 and Criminal Appeal (SJ) No.172 of 2021, dated 23.03.2021. The appellant has got one criminal antecedent as stated in para 3 of the memo of appeal.

Learned Special P.P. for the State opposed the prayer for bail of the appellant.

Taking into consideration the facts that similarly situated other co-accused persons have already been enlarged on bail by different co-ordinate Benches of this Court and merely on suspicion, the appellant has been made accused in this case, order dated 08.06.2021, passed by learned Special Judge (SC/ST Act), Munger in Shampur (Haweli Kharagpur) P.S. Case No.45



of 2020 is set aside. The appeal is allowed.

Let appellant, above named, 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 learned Special Judge (SC/ST Act), Munger in connection with Shampur (Haweli Kharagpur) P.S. Case No.45 of 2020.

(Anjani Kumar Sharan, J.)

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