

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2991 of 2021

Arising Out of PS. Case No.-114 Year-2020 Thana- BIBHUTIPUR District- Samastipur

MUKESH KUMAR @ MUKSI Son of Brahamadeo Mahto Resident of
Village - Singhiya, P.S.- Bibhutipur, District - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Komal Kumari Om Prakash Paswan Resident of -Ekdara,Tola-jogia,Ward
no-13,Vibhutipur,P.S-Vibhutipur,District-Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhaskar Shankar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-11-2022 Vide order dated 09.05.2022, notice was issued to respondent no.2, which was received by brother of respondent no.2. Learned counsel for the appellant has filed a supplementary affidavit and in paragraph-5 of the supplementary affidavit, it is stated that the brother of respondent no.2 and respondent no.2 are residing in the same house.

In view of the facts aforesaid, the notice is treated to be validly served upon respondent no.2.

Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

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 anticipatory bail vide order dated 17.06.2021, passed by learned Additional Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Samastipur in connection with Bibhutipur P.S. Case No.114 of 2020, registered under Sections 302 and 120(B) of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act.

The appellant is said to have killed the mother of the informant.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that the appellant is not named in the FIR. The appellant is made accused in the present case on the basis of confessional statement of co-accused. It is submitted that similarly situated co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 23.03.2021, passed in Criminal Appeal (SJ) No.1833 of 2020.

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



Having considered the facts aforesaid, let appellant, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be released 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 Additional Sessions Judge-Ist-cum-Special Judge, SC/ST (POA) Act, Samastipur in connection with Bibhutipur P.S. Case No.114 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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