

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2380 of 2022

Arising Out of PS. Case No.-736 Year-2021 Thana- MAJHAULIA District- West Champaran

1. MANISH KUSHWAHA @ MANISH KUMAR Son of Anand Kushwaha Resident of village Awama Majhar Ward No. 10 P.S.- Majhauriya, District- West Champaran
2. Kartik Prasad Son of Late Jangali Prasad Resident of village Awama Majhar Ward No. 10 P.S.- Majhauriya, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
for informant		Mr. PK Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 16-11-2022 Heard learned counsel for the appellants, the State and informant.

The present appeal is directed against order dated 9.6.2022 passed by learned Additional Sessions Judge – I cum Special Judge in a case registered for the offence punishable under Sections 379/34 and other allied sections of the Indian Penal Code and Section 3 (i) (r) (s) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. He further submits that the appellants are not named in the FIR. Their name transpired during investigation but there is no specific allegation of abuse or assault against them. Occurrence took place due to election rivalry. However, parties have compromised the matter which is evident from



order dated 30.8.2022, passed in Cr.Appeal (SJ) No. 1698 of 2022, by which a similarly situated co-accused has already been allowed bail by a co-ordinate bench of this Court. Appellants claim clean antecedent.

Learned counsel for the state as well as the informant does not controvert the submissions of the appellants.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 9.6.2022 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, SC/ST Act, West Champaran, Bettiah in Majhauilya Police Station Case No. 736 of 2021, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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