

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3650 of 2021

Arising Out of PS. Case No.-34 Year-2021 Thana- ALINAGAR District- Darbhanga

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1. Hare Kant Jha @ Lal Bihari Jha, Son of Late Devan Jha @ Dev Narayan Jha, Resident of Village Nabharpatti, P.O. Narma, P.S. Alinagar, District Darbhanga.
 2. Mahesh Jha, Son of Late Vishnu Jha @ Satya Narayan Jha, Resident of Village Nabharpatti, P.O. Narma, P.S. Alinagar, District Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Pramila Devi, Wife of Khakhar Sada, R/o Village Navarpatti, P.S. Alinagar, District Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailesh Kumar
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 10-01-2022 Heard learned counsel for the appellants, learned Special P.P. for the State as well as learned counsel appearing on behalf of the informant through 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 02.08.2021, passed by learned 1st Additional Session Judge cum Special Judge, SC/ST (POA) Act, Darbhanga in connection with Ali Nagar P.S. Case No.34 of 2021, registered under Sections 147, 148, 149, 448, 323, 354(B), 436, 504, 379, 506 of the Indian Penal Code and 3(1)(r), 3(1)(s) of the SC/ST Act.

Learned counsel for the appellants submits that the



appellants are innocent and have falsely been implicated in the present case. There is general and omnibus allegation against the appellants. The specific allegation is against Deepak Kumar Jha and Sunu Jha. It is further submitted that similarly situated other co-accused persons have been granted either anticipatory bail or regular bail by co-ordinate Bench of this Court. The appellants are in custody since 12.07.2021 and the age of the appellants are 73 and 64 years respectively.

Learned Special P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for bail of the appellants.

Taking into consideration the facts aforesaid, let appellants, above named, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Darbhanga in connection with Ali Nagar P.S. Case No.34 of 2021.

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

(Anjani Kumar Sharan, J.)

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