

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1733 of 2023

Arising Out of PS. Case No.-275 Year-2022 Thana- ALAMNAGAR District- Madhepura

Pankaj Mehta @ Pankaj Kumar Son Of Prakash Mehta Resident Of Village -
Maddtpur Vasa, Ward No.- 13 (Kunjauri), P.S.- Alamnagar, District -
Madhepura (852210)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajnish Kumar Singh

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-07-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
15.12.2022 passed by learned 1st Additional District &
Sessions Judge-cum-Special Judge, SC/ST Act,
Madhepura in connection with Alamnagar P.S. Case No.
275 of 2022 instituted for the offences punishable under
Sections 147, 148, 149, 341, 342, 323, 307, 224, 225,
354(B), 332, 353, 504, 506 of the Indian Penal Code
and Sections 3(1)(r)(s), 3(2)(va) of the SC/ST (POA)
Act whereby his prayer for being released on bail has
been rejected.

The prosecution case as per F.I.R is that when



the police party proceeded to arrest co-accused Vinay Mehta, his family members resisted the police party and scuffled with them. On their calls, 44 named and 200-250 unknown villagers came there and they created road jam and mishandled with the police personnel. They also assaulted them and they abused the informant by calling his caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant is not named in the F.I.R and his name and his name subsequently sprang up during the course of investigation. There is general and omnibus allegation against all the accused persons including the appellant. The appellant is languishing in custody since 13.11.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent. Moreover, other similarly situated co-accused has been granted bail by a coordinate Bench of this Court vide order dated 14.07.2023 passed in Cr.



Appeal (SJ) No. 1699 of 2023.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 15.12.2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST, Madhepura in connection with Alamnagar P.S. Case No. 275 of 2022.

(Sunil Kumar Panwar, J)

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