

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2796 of 2022**

Arising Out of PS. Case No.-307 Year-2020 Thana- UDAKISHUNGANJ District-
Madhepura

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SUBHASH MUNI S/o Late Telhai Muni R/o village- Morsanda Antri Basa,
P.S.- Chausa (Phulot O.P.), District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Dashrath Rishideo S/o Late Ganga Rishideo R/o village- Domarahi, Ward
No.- 02, P.S.- Udakishunganj, District- Madhepura

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Barun Kumar Singh
For the Respondent/s : Mrs.Usha Kumari 1
Mr.Arvind Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 29-03-2023 Heard learned counsel for the parties.

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 for anticipatory bail vide order dated 05.07.2022 in A.B.P. No. 747 of 2022 passed by the learned 1st Additional Sessions Judge, Madhepura in connection with Udakishunganj P.S. Case No. 307 of 2020 registered under Sections 307/120(B)/34/326, 302 of the Indian Penal Code as well as Section 3(v) of the SC/ST Act and Section 27 of the Arms Act.

According to F.I.R., suspicion has been raised against



the appellant and others to have committed murder of the son of the informant due to some extra-marital relationship with a lady named in the FIR.

Learned counsel for the appellant submits that only on suspicion, this appellant has been made accused. There is no direct material against the appellant. Informant is not eye-witness of the occurrence. There is no allegation of abuse by caste name and as such, no case under the SC/ST Act is made out. Similarly situated co-accused persons have already been granted anticipatory bail by a coordinate Bench of this Court, vide orders annexed as Annexure 2 series. Appellant has got clean antecedent.

Learned Special P.P. as well as learned counsel for respondent no. 2 vehemently opposed the appeal.

Considering the aforesaid facts and circumstances, let the 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 enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Madhepura in connection with Udakishanganj P.S. Case No. 307 of 2020.



Accordingly, the impugned order dated 05.07.2022,
so far as this appellant is concerned, is set aside and this appeal
is allowed.

(Prabhat Kumar Singh, J)

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