

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3750 of 2023

Arising Out of PS. Case No.-567 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

Rohit Kumar Son Of Late Dilip Mahton Resident Of Villege-Hemara Tola
(Raja Dumari), Ps- Muffasil, Dist- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Pinki Devi Wife Of Nunu Babu Pawan Resident Of Villege-Raja Dumari,
Ps- Muffasil, Dist- Begusarai

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 4329 of 2023

Arising Out of PS. Case No.-567 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

1. Bittu Kumar Son Of Natho Mahton @ Natho Mahto @ Natho Rai @ Natho
Ray Resident Of Village- Hemra Tola, Ward No. 02, Raja Dumri (Raza
Dumari), Ayodhyabari, Ps- Muffasil, (Lakho Op), Distt- Begusarai
2. Vivek Kumar Son Of Natho Mahton@ Natho Mahto@ Natho Rai @ Natho
Ray Resident Of Village- Hemra Tola, Ward No. 02, Raja Dumri (Raza
Dumari), Ayodhyabari, Ps- Muffasil, (Lakho Op), Distt- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Pinki Devi Wife Of Nunu Babu Paswan Resident Of Village- Raja Dumri,
Ps- Muffasil (Lakho Op), Distt- Begusarai

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 4390 of 2023

Arising Out of PS. Case No.-567 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

Prakash Mahto@Prakash Mahton@Prakash Ray S/O Late Sahdeo Mahto @
Late Sachdeo Mahto @ Sahdev Mahton @ Sachdeo Mahto Village- Hemra
Tola, Ward No. 02, Raja Dumri (Raza Dumari), Ayodhyabari, Ps. Muffasil,
(Lakho O.P.), Dist. Begusarai

... .. Appellant/s

Versus



1. The State of Bihar BIHAR
2. Pinki Devi W/O Nunu Babu Paswan Village- Raja Dumri, Ps. Muffasil, (Lakho O.P.), Dist. Begusarai

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3750 of 2023)

For the Appellant/s : Mr.Sabal Kumar Jha

For the Respondent/s : Mr.Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 4329 of 2023)

For the Appellant/s : Mr.Sandip Kumar Gautam

For the Respondent/s : Mr.Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 4390 of 2023)

For the Appellant/s : Mr.Sandip Kumar Gautam

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-10-2023 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 21.07.2023, 7.8.2023 and 7.8.2023 passed by learned Exclusive Special Judge, SC/ST (POA) Act, BEgusarai whereby the prayer for bail of the appellant in connection with Muffasil Lakho P.S. Case no. 567 of 2022 under Sections 302, 201, 120B/34 of the Indian Penal Code and sections 3(2)(V) of SC/ST Act was rejected.

As per allegation in the FIR, all the accused persons including these appellants have murdered the husband of the informant and thrown his dead body on the railway track of concealment of the evidence.



It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. General and omnibus allegations have been levelled against them. Informant is not the eye witnesses of the alleged occurrence. No offence is made out under the provisions of the SC/ST Act against them. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 14.7.2023 passed in Cr. Appeal (SJ) No. 2129 of 2023. Appellants are languishing in judicial custody for more than two months.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 21.07.2023, 7.8.2023 and 7.8.2023 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Muffasil (Lakho) P.S. Case No. 567 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of



the learned Court of Exclusive Special Judge, SC/ST (POA)
Act, Begusarai or the concerned court.

(Sunil Kumar Panwar, J)

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