

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3862 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- SATHI District- West Champaran

1. MOGAL MUKHIA S/o Bakched Mukhia R/v- Basantpur, P.S.- Sathi, District- West Champaran
2. BANHU MUKHIA S/o Nakched Mukhia R/v- Basantpur, P.S.- Sathi, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. VINOD RAM S/o Badhu Ram R/v- Satwaria, P.S.- Sathi, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shiv Kumar Dwivedy, Adv.
For the State	:	Mr.Sadanand Paswan, APP
For the Respondent	:	Mr. Krishna Prasad, Sr. Adv.
		Mr. Amit Narayan, Adv.
		Mr. Abhigyan Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 18-04-2023 Heard learned counsel for the appellants as well as
learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 23.08.2022 passed by the learned Additional District and Sessions Judge 1st cum Special Judge (SC & ST), Bettiah, West Champaran in connection with Sathi P.S. Case No. 75 of 2021, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 353, 307, 504, 506 of the



Indian Penal Code & Section 3(i)(r) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellants has been rejected.

At the outset, the learned counsel for the petitioner has submitted that in the bail petition, the father's name of the petitioner No. 1 Mogal Mukhia, is wrongly been typed as Bakched Mukhia in place of Nakched Mukhia. Let it be rectified in course of day.

As per allegation, 15 named accused persons and 15-20 unknown persons abused the informant who is chaukidar by calling his caste name. The accused persons badly assaulted the informant and other chaukidars and made them injured after making allegation that on their instance cases have been lodged against the appellants.

Learned counsel for the appellants has submitted that the appellants are innocent and have falsely been implicated. The other accused persons have been granted bail by the learned court below itself but the bail application of the appellants were rejected on the ground of their criminal antecedents mentioned in paragraph No. 3 of the bail petition. Those cases are of petty nature of Excise Act and one case in under Section 341, 323, 354, 504/34 of IPC. The appellant Mogal Mukhia is under



custody since 07.07.2022 and Banhu Mukhia is under custody since 01.07.2022.

The appeal is allowed and the impugned order dated 23.08.2022 passed by the learned Additional District and Sessions Judge 1st cum Special Judge (SC & ST), Bettiah, West Champaran is set aside.

Considering the above-mentioned facts and circumstances, the appellants, above-named, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st cum Special Judge (SC & ST), Bettiah, West Champaran in connection with Sathi P.S. Case No. 75 of 2021.

If it comes to the notice of the learned court below that the appellants are involved in similar nature of occurrence, he shall pass appropriate orders including the cancellation of their bail bonds.

(Nawneet Kumar Pandey, J)

SONALI/-

U		T	
---	--	---	--

