

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.4086 of 2022

Arising Out of PS. Case No.-404 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Md. Mobarak @ Md. Mubarak @ Mobarak @ Mubarak Son Of Late Md.
Afzal Ansari R/V- Majhauri Dharamdas, P.S.- Sadar, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Bindeshwar Ram Son Of Late Nathuni Ram R/V- Majhauri Dharamdas,
Ward No. 08, P.S.- Sadar, District- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bela Singh

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 27-04-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated

20.10.2022 passed by learned Special Judge, SC/ST Act,

Muzaffarpur in connection with Muzaffarpur Sadar P.S.

Case No. 404 of 2020 instituted for the offences

punishable under Sections 147, 148, 149, 341, 324,

326, 307, 302 of the Indian Penal Code and Sections

3(1)(r)(s), 3(2)(v) of the SC/ST Act whereby his prayer

for being released on bail has been rejected.

In pursuance to the direction of this Court, the



Senior Superintendent of Police, Muzaffarpur has appeared in person.

The prosecution case as per F.I.R is that the appellant along with other accused persons have assaulted the informant and other family members by deadly weapons.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant. The specific allegation of giving fatal knife blow is against co-accused Md. Jahangir. The appellant is in custody since 12.10.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent. Moreover, co-accused Md. Islam @ Md. Islam Ansari has already been granted bail vide Cr. Appeal (SJ) No. 2988 of 2021.

Learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have 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 20.10.2022 passed by learned Special Judge, SC/ST Act, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 404 of 2020.

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 Sessions Judge-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 404 of 2020.

The appearance of Senior Superintendent of Police, Muzaffarpur is hereby dispensed with.

(Sunil Kumar Panwar, J)

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