

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3972 of 2022**

Arising Out of PS. Case No.-270 Year-2021 Thana- MINAPUR District- Muzaffarpur

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Satish Kumar @ Satish Kumar Rai @ Satish Kuamr S/O Vinod Ray, R/O
Village- Morasand, Bishunpur Keso, P.S.- Minapur, Distt- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jitendra Kumar S/o Mahesh Ram R/o village- Khidipakar, P.S.- Sahebganj,
Distt- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Yugal Kishore
For the Informant	:	Mr. Kalyan Shankar
for the Special P.P.	:	Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-02-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated
16.09.2022 passed by learned Additional District &
Sessions Judge-I-cum-Special Judge, SC/ST Act,
Muzaffarpur in connection with Minapur P.S. Case No.
270 of 2021 instituted for the offences punishable under
Sections 342, 302, 120(B)/34 of the Indian Penal Code
and Sections 3(i)(r)(s) & 2(v)(va) of the SC & ST



(Prevention of Atrocities) Act, whereby his prayer for being released on bail has been rejected.

The prosecution case as per F.I.R is that co-accused Om Prakash Rai came and called his brother-in-law Rajesh Kumar(deceased) and took him away on the pretext of some urgent work. Further, in between 12:00-1:00 a.m., the family members of the deceased received information that all the accused persons including the appellant have assaulted Rajesh Kumar who is being taken to the hospital. Accordingly, the family members and the informant went to the hospital where Rajesh Kumar disclosed that all the accused persons including the appellant have assaulted him. Subsequently, the victim succumbed to the injuries.

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. There is no eye witness to the occurrence. Moreover, other co-accused



persons have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 05.09.2022 passed in Cr. Appeal (SJ) No. 475 of 2022. The appellant is in custody since 18.02.2022. A statement has been made in para 3 of the petition that appellant has no criminal antecedent.

Learned counsel appearing on behalf of the informant and learned Special P.P for the State have vehemently opposed the prayer for bail of the appellant and submitted that the victim has also named the appellant as one of the assailants.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 16.09.2022 passed by learned Additional District & Sessions Judge-I-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Minapur P.S. Case No. 270 of 2021.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be



released on bail on his furnishing bail bonds of Rs.
10,000/-(ten thousand) with two sureties of the like
amount each to the satisfaction of learned Additional
District & Sessions Judge-I-cum-Special Judge, SC/ST
Act, Muzaffarpur in connection with Minapur P.S. Case
No. 270 of 2021.

(Sunil Kumar Panwar, J)

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