

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4866 of 2023

Arising Out of PS. Case No.-225 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Mithun Yadav @ Mithun Kumar Yadav Son Of Dhananjay Yadav Resident Of Village - Sakara Paharpur Navtoliya Chikniya Ward No.6, Police Station - Bakhtiyarpur (O.P. Balwahat), District - Saharsa
 2. Bechan Yadav Son Of Dhananjay Yadav Resident Of Village - Sakara Paharpur Navtoliya Chikniya Ward No.6, Police Station - Bakhtiyarpur (O.P. Balwahat), District - Saharsa

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sito Sharma Son Of Lalo Sharma Resident Of Village - Sakara Paharpur Navtoliya Chikniya Ward No.6, Police Station - Bakhtiyarpur (O.P. Balwahat), District - Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Viveka Nandsingh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-01-2024 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 14.09.2023 passed by learned Additional Sessions Judge 1st -cum-Special Judge SC/ST (Prevention of Atrocities) Act whereby the prayer for bail of the appellant in connection with Bakhtiyarpur P.S. Case No. 225 of 2023 under Sections 302, 201, 120(B) of the Indian Penal Code and section 3(i)(d)(dha) of SC/ST Act was rejected.



3. As per allegation in the FIR, there was love affair between son of the informant, namely, Sachin Sharma (since deceased) and daughter of co-accused Mukesh Yadav and they fled away to Delhi. After five days, police brought the girl and handed over to her parents. On 1.5.2023, FIR named accused persons including the appellants in conspiracy, called the son of the informant and killed him and thereafter, they threw his dead body under Bhagdeva bridge.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Both the appellants are full brothers. There is delay of three days in lodging the FIR. No one is the eye witness of the alleged occurrence. Only on the basis of suspicion, the name of the petitioner has been dragged in the present case. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent and languishing in judicial custody since 17.7.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant .

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus



allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 14.09.2023 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Bakhtiyarpur P.S. Case No. 225 of 2023 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 Additional Sessions Judge 1st-cum-Special Judge SC/ST (Prevention of Atrocities) Act, Saharsa.

(Sunil Kumar Panwar, J)

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