

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1927 of 2024

Arising Out of PS. Case No.-145 Year-2023 Thana- LAKHNAUR District- Madhubani

Anil Mukhiya Son of Late Ram Lakhnan Mukhiya @ Dono Mukhiya @ Late
Dono Mukhiya, R/o Village - Behat, P.S.- Lakhnaur, District - Madhubani.

... .. Appellant

Versus

1. The State of Bihar.
2. Ramesh Kumar Das Son of Late Bhuneshwar Das, R/o Village - Behat, P.S.-
Lakhnaur, District - Madhubani.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 10-04-2025 Heard learned counsel for the appellant, learned
counsel for the informant and the learned Special Public
Prosecutor appearing on behalf of the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 against the rejection of prayer for bail *vide* order dated
12.03.2024, passed by the learned Additional Sessions Judge-I-
cum-Special Judge, Madhubani, in connection with G.R. No. 1251
of 2023, arising out of Lakhnaur P.S. Case No. 145 of 2023, dated
11.07.2023, registered for the offences punishable under Sections
302 and 201 of the Indian Penal Code read with Section 34 of the
Indian Penal Code and under Sections 3(2)(v) and 3(2)(va) of the



SC/ST (PoA) Act, 1989.

3. As per the prosecution case, the informant's sister was married to one Anil Mukhiya. It is further alleged that on 11.07.2023, the informant received information that Anil Mukhiya with the help of some of his relatives had killed the informant's sister and disposed of her dead body.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in the present case due to ulterior motive. Learned counsel has next submitted that appellant is the husband of the deceased and there is no eyewitness to the alleged occurrence. In fact, the sister of informant had committed suicide due to family dispute. Learned counsel has further submitted that no particular caste name has been called by the appellant, hence no case is made out under SC/ST Act. Learned counsel has next submitted that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court *vide* order dated 07.02.2024 passed in Cr. Misc. No. 70775 of 2023. The appellant has clean antecedent as stated in para no. 3 of the bail petition. The appellant is in custody since 17.07.2023.

5. Learned counsel for the informant as well as learned Special Public Prosecutor for the State has vehemently opposed the bail petition of the appellant.



6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 12.03.2024 passed by learned Additional Sessions Judge-I-cum-Special Judge, Madhubani, in connection with G.R. No. 1251 of 2023, arising out of Lakhnaur P.S. Case No. 145 of 2023 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above-named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees twenty-thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, Madhubani, in connection with G.R. No. 1251 of 2023, arising out of **Lakhnaur P.S. Case No. 145 of 2023**, on further condition:

(i) The appellant is directed to remain physically present before the learned trial Court on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the appellant is liable to be cancelled.

(Chandra Prakash Singh, J)

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