

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3163 of 2017

Arising Out of PS.Case No. -260 Year- 2017 Thana -PATLIPUTRA District- PATNA

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Kishori Lal Sao S/o Late Babu Lal Sao Resident of village- Mainpura Gate
No.- 53, P.S.- Patliputra, District- patna

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Soni Shrivastava

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 01-12-2017

The appellant has questioned the order dated 07.10.2017, passed by the learned 2nd Additional District & Sessions Judge-cum-Special Judge, SC/ST, Patna in connection with Special Case No. 571 of 2017, arising out of Patliputra P.S. Case No. 260 of 2017 dated 31.07.2017 instituted for the offences under Sections 302/120B of the Indian Penal Code and Section 27 of the Arms Act, read with Sections 3(2)(v) of the SC & ST (Prevention of Atrocities) Act, 1989, whereby the prayer for being released on bail has been rejected.

The appellant is eighty years old and is alleged to have pointed towards the father of the informant, on which, two of the other accused persons who are not named in the F.I.R, fired at the deceased and killed him. It has been alleged in the F.I.R that there was some land dispute between the deceased and the



appellant.

Mrs. Soni Srivastava, learned counsel for the appellant has submitted that but for the fact that informant has alleged that the appellant had pointed towards the shop of the informant where the father of the informant was sitting, there is no other material against the appellant. The fact that the appellant is eighty years of age is borne out from the Aadhar card which has been annexed with the petition.

The appellant is in custody since 02.08.2017.

Taking into account the fact that the appellant is not the assailant of the deceased and his age, this Court deems it appropriate to set aside the order dated 07.10.2017.

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-II-cum-Special Judge, SC/ST Act, Patna in connection with Special Case No. 571 of 2017, arising out of Patliputra P.S. Case No. 260 of 2017.

(Ashutosh Kumar, J)

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