

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.15 of 2017

Arising Out of PS.Case No. -63 Year- 2016 Thana -SABOUR District- BHAGALPUR

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Pappu Sah @ Pappu Sonar, S/o Ashok Kumar Sah, R/o Mohalla- Mandroja,
P.S. Tatarpur, District- Bhagalpur.

.... Appellant

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Davendra Kumar Pandey, Advocate

: Mr. Ranjan Kumar Jha, Advocate

For the Respondent/s : Mr. Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 10-07-2017 The appellant seeks bail in connection with Sabour

P.S. Case No. 63/16 registered for offences punishable under

sections 302, 120-B/34 of the Indian Penal Code, Section 27 of the

Arms Act and Section 3(2)(v) of the SC/ST (Prevention of

Atrocities) Act.

Allegation against the appellant is that on 17.04.2016

brother of the informant Santosh Kumar was loading statue on

Tractor, in the meantime, the informant saw Md. Rahu taking

away his brother on a Motorcycle. It is further stated that after five

minutes Md. Rahu came back and told him that his brother has

been shot dead. It is further stated that he came to learn that all the

F.I.R. named accused and 4-5 unknown persons were seen fleeing

away.

Learned counsel for the appellant submitted that



appellant's name has surfaced in this case only on the basis of confessional statement of co-accused. It is stated that co-accused Mukesh Ram and Vikky Sharma having similar allegation to that of the appellant have already been granted bail by different Benches of this Court vide order dated 20.08.2016 passed in Cr.Misc. No. 35940 of 2016 and order dated 03.07.2017 passed in Cr. Appeal (SJ) No. 1203 of 2017 respectively. It is stated that the appellant is in custody since 13.07.2016.

Heard learned Special P.P. also.

Having heard both sides and considering the aforementioned facts and circumstances, this appeal is allowed, let appellant surrender before the court below within a period of four weeks from today and on his so surrendering the Court below will release him on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the Court of learned 2nd Additional Sessions Judge (Special SC/ST Court), Bhagalpur in connection with Sabour P.S. Case No. 63/16, subject to the following conditions:-

(i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.

(ii) The appellant shall cooperate in the disposal of



trial and make himself available as and when required by the Court and on the event of failure on his part to appear before the Court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J.)

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