

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.795 of 2016

Arising Out of PS.Case No. -42 Year- 2015 Thana -MADHEPURA District- MADHEPURA

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1. Shambhu Sah @ Shambhu Swarnkar S/o Prabhu Swarnkar @ Prabhu Sah
Resident of vill. - Azadnagar, Ward No. 7, Police Station & District -
Madhepura

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Verma, Advocate

For the Respondent/s : Mr. Zeyaul Hoda, Spl. PP.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

5 22-02-2017 Heard learned counsel for the appellant as well as

learned Special P.P. for the State.

Instant appeal has been preferred on account of refusal
to release the appellant on bail vide order dated 23.06.2016 by the
1st Additional Sessions Judge-cum-Special Judge, Madhepura in
Madhepura PS Case No. 42/2015.

A dispute arose over throwing of garbage in between
Dolly Devi, daughter of informant, Janardan Paswan as well as
Sita Devi and during course thereof, Sita was joined by Ashok
Swarnkar, Prabhu Swarnkar, Shambhu Sah, Jagarnath Swarnkar
who assaulted Rikesh Paswan and further, poured acid in his eye.

From perusal of the statement of the witnesses including
further statement of the informant, it is evident that they had
encircled Sita Devi who sprinkled acid over different persons and



further, the witnesses also stated that on account of land dispute, both the parties had exercised their muscles power against each other. No specific allegation has been attributed to the appellant.

That being so, appellant, Shambhu Sah @ Shambhu Swarnkar is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhepura in Madhepura PS Case No. 42/2015 after setting aside the order impugned.

Consequent thereupon, the instant appeal is allowed.

(Aditya Kumar Trivedi, J)

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