

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1729 of 2020

Arising Out of PS. Case No.-358 Year-2019 Thana- FALKA District- Katihar

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SADANAND SAH Son of Late Sakhichand Sah @ Gaini Sah R/O- Tikapatti
(Dhusar), Tikapatti, Distt.- Purnia

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 07-12-2020 Heard learned counsel for the appellant and learned
Spl. PP for the State through video conferencing.

The instant appeal has been preferred by the appellant against the order dated 2.7.2020 passed by the learned Additional Sessions Judge I-cum-Special Judge, Katihar whereby the prayer for bail of the appellant in connection with Falka (Pothia) P.S. Case no. 358 of 2019 registered under sections 302 and 34 of the Indian Penal Code and section 3(2) (v) of the SC/ST(POA) Act, was rejected.

As per allegation in the FIR, it is stated by the informant that he found his mother in an unconscious state behind the house of one Fulan Devi. It is further stated that on regaining consciousness her mother disclosed that it was Fulan Devi and Sadanand Shah along with 3-4 others who had beaten



her up. The mother of the informant died subsequently.

It is submitted by learned counsel for the appellant that the allegations in the FIR are false and concocted. It is submitted that the case of the appellant stands on a similar footing to that of co-accused Fulan Devi who has been enlarged on bail vide order dated 16.12.2019 (Annexure 2) passed in Cr. Appeal (SJ) no. 5116 of 2019. It is further submitted that in course of investigation the independent witnesses have made allegation of assault on the informant himself. The appellant is in custody since 27.6.2020 and has no criminal antecedent.

The appeal is opposed by learned Spl. PP appearing for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including grant of bail to Fulan Devi, the Court is inclined to allow the appeal. The appeal is allowed. The order dated 2.7.2020 passed in Falka P.S. Case no. 358 of 2019 by the learned Additional Sessions Judge I-cum-Special Judge, Katihar is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Falka P.S. Case no. 358 of 2019 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned
Additional Sessions Judge I-cum-Special Judge, Katihar.

(Partha Sarthy, J)

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