

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1723 of 2021

Arising Out of PS. Case No.-287 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

Sonu Kumar (male) aged about 20 years, S/O Shashi Kant Mahto R/O Village-Saraiya, P.S.-Krishnagarh, District-Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Chandra Gandhi
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 10-06-2021 Heard learned counsel for the parties through video conferencing.

The present appeal has been filed against order dated 15.12.2020 passed by learned A.D.J.-I, Bhojpur, Ara in SC/ST Case No. 240 of 2020, arising out of Ara Muffasil P.S. Case No. 287 of 2020, registered for the offence punishable under Sections 147, 148, 149, 341, 307, 323, 324, 302, 120(B), 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of SC/ST Act, whereby the prayer for bail of appellant was rejected.

As per the prosecution case, on 09.09.2020 at about 7:00 PM, the son of the informant with his two friends had left his house for Saraiya to attend a birthday party, but at 10.30 PM, the informant received an information that his son with his



friends have been shot and were taken to hospital. Thereafter, the informant reached there and found his son dead and his two friends in injured condition and on query, he came to know that all the FIR named accused persons, including this petitioner, have committed the murder of his son.

It is submitted on behalf of the appellant that the appellant has been falsely implicated in this case. There is no allegation of firing against the appellant. Specific allegation of firing is against other FIR named co-accused persons. It is further submitted that the informant is not the eye-witness to the alleged occurrence. It is further submitted that the manner of occurrence, as alleged in the FIR, is at variance with that the statement of two other injured persons. Similarly situated co-accused namely Jitan Kumar has already been granted bail by a coordinate Bench of this Court, vide order dated 09.04.2021 passed in Cr.Appeal (SJ) No. 1445 of 2021. The appellant bears clean antecedent and he is in custody since 11.09.2020. Counsel for the appellant further submitted that in this case, charges have already been framed on 07.04.2021.

Learned Special P.P. has opposed the appeal.

However, considering the aforesaid facts & circumstances, the impugned order dated 15.12.2020 passed by



learned A.D.J.-I, Bhojpur, Ara in SC/ST Case No. 240 of 2020, arising out of Ara Muffasil P.S. Case No. 287 of 2020 is set aside and appeal is allowed.

Accordingly, let the appellant, above named, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with SC/ST Case No. 240 of 2020, arising out of Ara Muffasil P.S. Case No. 287 of 2020.

(Prabhat Kumar Singh, J.)

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