

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No. 2117 of 2021**

Arising Out of PS. Case No.-428 Year-2020 Thana- SUGAULI District- East Champaran  
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1. Sonalal Kushwaha, Son of Rudal Kushwaha Resident of Village - Koraiya, Murda Chhapra, P.S.- Sugauli, Distt.- East Champaran.
2. Ekbali Kushwaha @ Ekbal Bhagat, Son of Late Ganesh Kushwaha Resident of Village - Koraiya, Murda Chhapra, P.S.- Sugauli, Distt.- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s  
=====

**Appearance :**

For the Appellant/s : Mr. Ajay Kumar Tiwary, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.  
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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY  
ORAL ORDER**

3      12-07-2021                      Heard learned counsel for the appellants and learned  
Special P.P. for the State through video conferencing.

The appellants have preferred this appeal against the order dated 22.2.2021 passed by the learned Additional Sessions Judge-I, East Champaran, Motihari whereby the prayer for bail of the appellants in connection with Sugauli P.S. Case no. 428 of 2020 registered under section 302 and other sections of the Indian Penal Code, was rejected.

As per allegations in the F.I.R., it is stated that as a result of dispute with respect to grazing of goat, the land owner, namely, Yado Lal Kushwaha caught hold of the goat. In the altercation that followed, it is stated that the named accused



persons including 30 to 40 unknown persons came variously armed and as a result of firing by Yado Lal Kushwaha and Om Prakash, the husband of the petitioner sustained gun shot injury in his head. On being taken to the hospital, he was referred to the P.M.C.H. where he died in course of treatment.

It is submitted by learned counsel for the appellants that the allegations as levelled in the F.I.R. are false and concocted. The appellants have been falsely implicated in the case. They have no criminal antecedent and are in custody since 11.2.2021.

The appeal is opposed by learned Special P.P. appearing for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the specific allegation of firing being on Yado Lal Kushwaha and Om Prakash, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 22.2.2021 passed in Sugauli P.S. Case no. 428 of 2020 is set aside.

The appellants are directed to be enlarged on bail in connection with Sugauli P.S. Case no. 428 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned  
1<sup>st</sup> Additional Sessions Judge, East Champaran, Motihari.

**(Partha Sarthy, J)**

Spd/-

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