

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2635 of 2021**

Arising Out of PS. Case No.-148 Year-2020 Thana- SARAI District- Vaishali

=====

RAM KUMAR SAH Son of Nawal Sah Resident of Village- Harpur Mukund
(Harpur Mukundpur) P.S. - Rajapakar, District - Vaishali.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr.Rajesh Kumar, Adv.
For the State	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr.Mahendra Pratap, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-08-2021 Heard learned counsel for the parties through video conferencing.

The instant appeal has been preferred against the order dated 12.10.2020 passed by the learned Additional District and Sessions Judge 1st-cum-Special Judge, Vaishali at Hajipur whereby the prayer for bail of the appellant in connection with a case registered under sections 302 and 34 of the Indian Penal Code and section 3(2)(v) of the S.C. and S.T. Act, was rejected.

As per the allegations in the F.I.R., the informant received information about killing of his brother and him having been hanged. It is stated that on seeing his brother, it transpired that he has been killed and thereafter hanged. He raised suspicion against the appellant and others for having given



effect to the occurrence because of old enmity.

It is submitted by learned counsel for the appellant that the appellant has been falsely implicated in the case. There is no eye witness to the occurrence. An unfounded suspicion has been raised by the informant in the F.I.R. The appellant is in custody since 3.7.2020 and investigation in the case has concluded. It is further submitted that no offence under the S.C. and S.T. Act is made out.

The appeal is opposed by learned Special P.P. appearing for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the appellant is named in the F.I.R. but there is strong suspicion against him. He gave effect to the occurrence because of land dispute between the parties.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the appellant having remained in custody for over 1 year, the order dated 12.10.2020 passed by the learned Additional District and Sessions Judge 1st-cum-Special Judge, Vaishali at Hajipur is set aside and the appellant is directed to be enlarged on bail in connection with Sarai P.S. Case no.148 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 Additional District and Sessions Judge 1st-cum-Special Judge, Vaishali at Hajipur.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

