

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3095 of 2021**

Arising Out of PS. Case No.-219 Year-2020 Thana- BUXAR INDUSTRIAL District- Buxar

BUDHAN @ ARBAJ ANSARI Son of Murtaza @ Murtaza Ansari @ Putu
Resident of Village- Barki Sarimpur, P.S.- Buxar Industrial, District- Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 13-08-2021 Heard learned counsel for the appellant and the
learned Special P. P.

The present appeal has been filed against order dated 19.06.2021 passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ ST Act, Buxar in Buxar SC/ST Case No. 142/2020 (arising out of Buxar Industrial area PS case No. 219/2020) , registered for the offence punishable under Sections 302, 504, 506/34 of the Indian Penal Code, u/s 27 of Arms Act and u/s 3(1)(r) (s), 3 (2) (v) of SC/ST Act, whereby the prayer for bail of the appellant has been rejected.

As per the prosecution case, the son of informant had gone out but he did not return. Later on the informant received message that a dead body is lying in Sonra Bagicha with gun shot injuries and the police had taken the dead body to hospital.



On going to hospital the informant found the dead body of his son with gun shot injuries. The informant suspected that this appellant along with other FIR named accused persons had committed murder of his son as there was a fight between the appellant and other accused persons with his son and the accused persons had threatened the deceased of dire consequences in the past.

It is submitted that the informant is not an eye witness of the occurrence and only on suspicion the appellant has been made accused in this case. No cogent material transpired during the course of investigation except the confessional statement made by the co-accused before the police. Similarly situated accused Rajan Srivastava has been granted bail by a coordinate Bench of this court vide Cr. Appeal (SJ) No. 2674 of 2021. The appellant has got clean antecedent and is in custody since 16.12.2020.

Considering the nature of allegation and clean antecedent of the appellant, the impugned order dated 19.06.2021 is hereby set aside and this appeal is allowed.

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



Additional Sessions Judge-I-cum- Special Judge, Buxar in
connection with Buxar SC/ST Case No. 142/2020 (arising out of
Buxar Industrial area PS case No. 219/2020).

(Prabhat Kumar Singh, J)

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