

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3058 of 2021

Arising Out of PS. Case No.-256 Year-2020 Thana- SAHPUR District- Patna

Manish Kumar @ Bithla Son of Lal Babu Paswan Resident of Village -
Mainpura, Dariyapur, Post - Neora, P.S.- Phulwarisharif, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Jha, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 01-09-2021 Heard learned counsel for the parties through video conferencing.

The instant appeal has been preferred against the order dated 10.6.2021 passed by the learned Additional District and Sessions Judge 3rd -cum-Special Judge, SC/ST, Patna whereby the prayer for bail of the appellant in connection with Sahpur P.S. Case No.256 of 2020 registered under sections 302 and 393 of the Indian Penal Code and section 3(2)(va) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R. while the father of the informant was sleeping in his house, an accused person aged about 25-30 years entered to commit theft and stabbed his father with a knife. It is stated that on being taken to the PMCH the doctor declared his father as brought dead.



It is submitted by learned counsel for the appellant that the F.I.R. was registered against unknown. The name of the petitioner transpired in the confessional statement of Monu Kumar wherein he has confessed to have stabbed the father of the informant and has taken the name of the petitioner as also one Rakesh Kumar as his accomplices. The appellant is in custody since 21.9.2020 and has been falsely implicated in the case. His case stands on a similar footing to that of coaccused Rakesh Kumar who has been enlarged on bail vide order dated 5.7.2021 (Annexure-2) passed in Cr. Appeal (SJ) no.2282 of 2021.

Heard learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the grant of bail to coaccused Rakesh Kumar, the appellant being in custody since 21.9.2020 and investigation in the case having concluded, the appeal is allowed and the order dated 10.6.2021 passed by the learned Additional District and Sessions Judge 3rd -cum-Special Judge, SC/ST, Patna, is set aside.

The appellant is directed to be enlarged on bail in connection with Special Case no.42 of 2020 (arising out of



Sahpur P.S. Case No.256 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 3rd -cum-Special Judge, SC/ST, Patna.

(Partha Sarthy, J)

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