

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3599 of 2021

Arising Out of PS. Case No.-461 Year-2021 Thana- SAHARSA SADAR District- Saharsa

1. MANOJ DUBEY @ MANOJ KUMAR DWIVEDI, Son of Sri Hira Dubey @ Hira Lal Dwivedi, Resident of Village- Naya Bazar, Ward No.03, Police Station- Saharsa, District- Saharsa (Bihar)
2. PAWAN DUBEY @ PAWAN KUMAR DWIVEDI, Son of Sri Jawahar Dwivedi, Resident of Village- Naya Bazar, Ward No.03, Police Station- Saharsa, District- Saharsa (Bihar)

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SUNITA DEVI Wife of Sri Umesh Paswan Resident of Village- Sarahi, Ward No.03, Police Station- Saharsa, District- Saharsa (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	M/s N.K.Agarwal, Sr. Advocate Saket Tiwary, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-09-2021 Heard learned counsel for the parties through video conferencing.

The instant appeal has been preferred against the order dated 30.7.2021 passed by the learned Additional Sessions Judge III-cum-Special Judge, SC/ST Act, Saharsa, whereby the prayer for bail of the appellants in connection with a case registered under section 307 of the Indian Penal Code, section 27 of the Arms Act and section 3 of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per the prosecution case, fourteen named accused



persons including the two appellants herein came variously armed and kept firing indiscriminately for 22-25 minutes. It is stated that the father-in-law of the informant sustained injury in his left leg and a buffalo was also injured.

It is submitted by learned counsel for the appellants that the appellants have been falsely implicated in the case. There is no specific allegations against them in the FIR. The allegations are general and omnibus in nature. There is case and counter case between the parties. The false implication of the appellants is because of land dispute. The appellants are in custody since 12.6.2021 and chargesheet has been submitted in the case.

Heard learned Special P.P. appearing for the State.

Having heard learned counsel for the parties and taking into consideration the materials on record, contents of the FIR as also the contents of the order of the learned trial Court together with the appellants having remained in custody since 12.6.2021, the appeal is allowed and the order impugned dated 30.7.2021 passed in Saharsa SC ST P.S. Case no. 461 of 2021 is set aside.

The appellants are directed to be enlarged on bail in connection with Saharsa SC ST P.S. Case no. 461 of 2021 on



each of them 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 Sessions Judge III-cum-Special Judge, SC/ST Act, Saharsa.

(Partha Sarthy, J)

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