

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.205 of 2022

Arising Out of PS. Case No.-615 Year-2019 Thana- MANER District- Patna

Abhay Kumar Son Of Rajeshwar Ray @ Rajeshwar Prasad Singh Resident Of
Village - Mahinawan, P.S. Maner, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sharda Paswan Son of Late Bhajan Paswan Wife of Rajesh Paswan Resident
of Village Bahapura, P.S. Bihata, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rudra Deo
For the Respondent/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 10-11-2022 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated
18.11.2021 passed by learned Additional District Judge-
III-cum-Special Judge, SC/ST, Patna in connection with
Special Case No. 599 of 2019, arising out of Maner P.S.
Case No. 615 of 2019 instituted for the offences
punishable under Sections 302, 201, 120(B), 34 of the
Indian Penal Code and Section 3(2)(v) of the SC & ST
(Prevention of Atrocities) Act, whereby his prayer for
being released on anticipatory bail has been rejected.



It is a case of commission of murder of the son-in-law of the informant.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case. There is no direct evidence against the appellant in respect of commission of murder of the son-in-law of the informant. It is further submitted that in several paragraphs of the case diary, the independent witnesses have not supported the prosecution case as against the appellant. In para 46 of the case diary, an independent witness has asserted that death was due to accident. It is also submitted that cognizance has still not been taken against the appellant.

In contra, learned counsel appearing on behalf of the informant and learned special P.P have vehemently opposed the prayer for anticipatory bail of the appellant and submitted that the postmortem report corroborates the prosecution version.

Taking into account the aforesaid facts, this



Court deems it appropriate to set aside the order dated 18.11.2021 passed by the learned Additional District Judge-III-cum-Special Judge, SC/ST, Patna.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II-cum-Special Judge, SC/ST, Patna in connection with Special Case No. 599 of 2019, arising out of Maner P.S. Case No. 615 of 2019.

(Sunil Kumar Panwar, J)

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