

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.768 of 2022**

Arising Out of PS. Case No.-296 Year-2020 Thana- MADHUBAN District- East Champaran

SONU ALAM S/o Syed Rahmat Ali @ Rahmat Ali R/o village- Jogauliya
Tola Gulab Khan, P.S.- Madhuban, Distt.- East Champaran

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Uma Devi W/o Late Rajdeo Ram R/o village- Jogauliya, Tola Gulab khan,
P.S.- Madhuban, Distt.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sangeet Deokuliar, Adv.
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

07 22-06-2022 Heard learned counsel for the appellant, learned
Spl.P.P. for the State and learned counsel for the opposite party
no.2.

The instant appeal has been preferred against the order dated 24.6.2021 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), East Champaran whereby the prayer for bail of the appellant in connection with Madhuban P.S. Case No.296 of 2020/G.R. Case no.7532 of 2020 registered under sections 302 and 34 of the Indian Penal Code and section 3(2)(v) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R., it is stated by the



informant that the appellant called her husband and took him away. On his not returning, inspite of search her husband was not to be found. Subsequently, at 7 pm it transpired that the informant's husband had been stabbed in the eyes and his dead body was found in the field of one Mahadeo Rai.

It is submitted by learned counsel appearing for the appellant that the appellant has been falsely implicated in the case. Even accepting the allegations in the F.I.R, at best it is a case of last seen against him. There are no eye witness to the alleged occurrence. The appellant is in custody since 6.1.2021 and investigation in the case has concluded.

The appeal is opposed by learned Spl.P.P. appearing for the State as also learned counsel appearing for the opposite party no.2. It is submitted that the appellant is named in the FIR, there is direct allegation against him by the informant who happens to be the wife of the deceased of the appellant having taken away her husband and soon thereafter the next morning his dead body was found having been stabbed in his eyes.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegations as levelled in the F.I.R., the material that has transpired in course of investigation and the appellant having remained in custody



for more than 1 year, the Court is inclined to allow the appeal. The appeal is allowed and the order impugned dated 24.6.2021 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), East Champaran is set aside.

The petitioner is directed to be enlarged on bail in connection with Madhuban P.S. Case No.296 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 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), East Champaran.

(Partha Sarthy, J)

Bibhash/-

U			
---	--	--	--

