

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1180 of 2022**

Arising Out of PS. Case No.-553 Year-2020 Thana- ARA NAGAR District- Bhojpur

MAHENDRA YADAV S/o Muneshwar Yadav Resident of Village- Bara
Basantpur, P.S.- Ara Muffasil, District- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kamakhya Narayan Ram S/o Late Mahngu Ram R/o Gaushganj Ara, Distt-
Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sarveshwar Tiwary
For the Respondent/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 13-10-2022 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 10.01.2022 passed by learned 1st Additional Sessions Judge, Bhojpur-cum-Spl. Cum (SC/ST) Act, Ara Bhojpur in ABP No. 3154 of 2021 whereby the prayer for bail of the appellant in connection with Ara Town P.S. Case no. 353 of 2020 under Sections 302, 120B/34 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(2)(v) of SC/ST Act was rejected.

The accusation is of killing the son of the informant by gunshot firing.



It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due dirty village politics. Appellant is not named in the FIR. In confessional statement of co-accused Mithilesh Paswan before the police, his name appeared, which has no evidentiary value in the eye of law. Except, confession, there is no material evidence against the appellant. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is no material evidence against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 10.01.2022 passed in A.B.P. No, 3154 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Ara Town P.S. Case No. 353 of 2020 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of



the learned 1st Additional Sessions Judge-cum-Special Judge
SC/ST Act, Bhojpur.

(Sunil Kumar Panwar, J)

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