

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3893 of 2021**

Arising Out of PS. Case No.-24 Year-2021 Thana- SHAHKUND District- Bhagalpur

Manoj Kumar Sah Son Of Pulis Sah @ Police Sah Resident Of Village -
Hario, P.S.- Bihpur, Distt.- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rupa Devi Arvind Das Village-Satpariya,P.S-Sahkund,District-Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajive Ranjan Singh
For the Special PP	:	Mr. Sadanand Paswan
For the Informant	:	Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 22-09-2022 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated 24.08.2021 passed by learned Special Judge, 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Shahkund P.S. Case No. 24 of 2021 of 2021 instituted for the offences punishable under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(r)(s) 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 husband of the informant at his shop.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case. The appellant is not named in the F.I.R and only on the basis of suspicion the appellant has been roped in the present case. The name of the appellant surfaced on the basis of confessional statement of co-accused Mithilesh Sah @ Mithun Kumar Sah and except confession, no material evidence was collected during the course of investigation against the appellant. The CDR report suggests that the appellant used to talk with co-accused Mithilesh Sah and except this, no direct material has come against the appellant.

Learned counsel appearing on behalf of the informant and learned Special P.P have vehemently opposed the prayer for anticipatory bail of the appellant.

Taking into account the aforesaid facts, this



Court deems it appropriate to set aside the order dated
24.08.2021.

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) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST, Bhagalpur in connection with Sahkund P.S. Case No. 24 of 2021.

(Sunil Kumar Panwar, J)

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