

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.140 of 2023**

Arising Out of PS. Case No.-714 Year-2022 Thana- KAHALGAON District- Bhagalpur

SUNIL KUMAR YADAV @ SUNIL YADAV Son of Laddu Yadav R/v-
Ramjanipur, P.S.- Kahalgaon (Shivnarayanpur), District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. RAM KUMAR PASWAN Son of Late Darbari Paswan R/v- Bishanpur Ward
No. 07, P.S.- Kahalgaon (Shivnarayanpur), District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dilip Kumar

For the Respondent/s : Mr.Sadanand Paswan

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

3 05-10-2023 Notice was issued to O.P. No. 2 on 24.5.2023 and

service report has also been received stating therein that no one

is residing at that address.

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 21.10.2022 passed by learned Additional
Sessions Judge-III-cum-Special Judge (SC/ST Act) Bhagalpur
in Special SC/ST Case No. 116 of 2022 arising out of
Kahalgaon (Shivnarayanpur) PS Case No. 714 of 2022 whereby
the prayer for bail of the appellant registered under Sections
302, 201, 120(B) of the Indian Penal Code and sections 3(2)(v)



of the SC/ST Act was rejected.

As per prosecution case, co-accused Prince Kumar and the appellant came to the informant's house at late night and took his son with them on the pretext of feast. Next morning, informant received information about killing of his brother and thereafter, his dead body was found near Vikramshila Railway Station Platform.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to suspicion. No one is the eye witness of the alleged occurrence. . Save and except suspicion, no other consistent material has come during investigation to suggest the involvement of the appellant in the present case. No offence is made out under the provisions of the SC/ST Act against them. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 18.08.2023 passed in Cr.Appeal (SJ) No. 1557 of 2023. He has got no criminal antecedent and languishing in judicial custody since 28.7.2022.

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 general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 21.10.2022 passed is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Kahalgaon (Shivnarayanpur) PS Case No. 714 of 2022 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 Additional Sessions Judge III-cum-Special Judge (SC/ST Act) Bhagalpur.

(Sunil Kumar Panwar, J)

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