

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.272 of 2023

Arising Out of PS. Case No.-297 Year-2022 Thana- ALAMGANJ District- Patna

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Lallu Shah @ Lallu Sao @ Santosh Kumar S/O Late Satya Narayan Shah @
Late Narayan Sao R/O Village - Dadar Ki Mandi, P.S.- Alamganj, Distt-
Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kallu Paswan Son of - Not Known R/o - Muhalla ki Bhatti, Near
Bishwakarma Mor, P.S.- Alamganj, Distt- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Madhav Raj
For the Respondent/s	:	Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 27-07-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated

30.11.2022 passed by learned Special Judge, SC/ST

Act, Patna in connection with Alamganj P.S. Case No.

297 of 2022(Special Case No. 61/2022) instituted for

the offences punishable under Sections 302, 323, 506,

120(B), 34 of the Indian Penal Code and Sections 3(2)

(va) of the SC/ST Act whereby his prayer for being

released on bail has been rejected.



It is a case of commission of murder of the brother of the informant.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The informant is not the eye witness to the occurrence. The informant alleged in the F.I.R that on hearing gunshot firing, he reached at the PO and found that appellant and other F.I.R named accused persons fleeing away from the place of occurrence. Hence, at best, it may be a case of last seen and who has shot fire at the deceased is not specifically been alleged in the F.I.R. During investigation, no consistent material evidence has been collected against the appellant. The appellant is in custody since 08.04.2022.

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



Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 30.11.2022 passed by learned Special Judge, SC/ST Act Patna in connection with Alamganj P.S. Case No. 297 of 2022(Special Case No. 61 of 2022).

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Patna in connection with Alamganj P.S. Case No. 297 of 2022(Special Case No. 61/2022).

(Sunil Kumar Panwar, J)

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