

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.247 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- ANGARGHAT District- Samastipur

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Jitendra Kumar Ray @ Jitendra Kumar S/O Vasudeo Ray Resident Of
Village- Jitwarpur, Ward No.- 7, P.S.- Mufassil, Samastipur, District-
Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sarovari Devi W/O Late Ram Bharose Paswan Resident Of Village- Dadhia
Asadhar Ward No.- 7, P.S.- Angarghat, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Abhay Shankar Singh
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 13-07-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated

15.10.2022 passed by learned Special Judge

SC/ST(POA) Act, Samastipur in connection with

Angarghat P.S. Case No. 60 of 2022 instituted for the

offences punishable under Sections 302, 120(B)/34 of

the Indian Penal Code, Section 27 of the Arms Act and

Sections 3(2)(va) of the SC/ST Act whereby his prayer

for being released on bail has been rejected.



According to the prosecution case, the informant got an information that her husband has been killed by some unknown persons when he went to watch the orchard.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant is not named in the F.I.R and his name subsequently transpired during investigation on the basis of confessional statement of co-accused Ajay Thakur. Nothing has been recovered from the conscious possession of the appellant and except confession of co-accused, no cogent material has come during investigation to suggest the involvement of the appellant in the present occurrence. The appellant is in custody since 26.08.2022. Moreover, similarly situated co-accused has been granted bail by a coordinate Bench of this Court vide order dated 23.06.2023 passed in Cr. Appeal (SJ) No. 1289 of 2023.



Learned Special P.P appearing on behalf of the State has 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 15.10.2022.

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 Special Judge, SC/ST (POA) Act, Samastipur in connection with Angarghat P.S. Case No. 60 of 2022.

(Sunil Kumar Panwar, J)

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