

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.379 of 2023

Arising Out of PS. Case No.-136 Year-2016 Thana- BASANTPUR District- Siwan

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1. RAJEEV KUMAR @ SANJAY SINGH S/O SABHAPATI SINGH @ SHABHAJIT SINGH Resident of village- Bithuna, P.S.- Basantpur, District- Siwan.
 2. MANNU SINGH @ ABHIMANYU SINGH @ ABHIMANU SINGH S/O JAI KISHORE SINGH Resident of village- Bithuna, P.S.- Basantpur, District- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. RAJAWATI DEVI W/O LATE SHEOJALAM MANJHI @ SARAL MANJHI Resident of village- Bithuna, P.S.- Basantpur, District- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar, Mr. Satyendra Rai
For the Respondent/s	:	Mr. Sadanand Paswan
For the Informant	:	Mr. Vijay Prakash Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-07-2023 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 2.1.2023 passed by learned Additional Sessions Judge I-cum-Special Court, Siwan in Special Case No. 131 of 2018 whereby the prayer for bail of the appellants in connection with Basantpur P.S. Case No. 136 of 2016 under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(2) of SC/ST Act was rejected.



Allegations against the appellants are of killing the informant's husband by fire shot. It is further alleged that accused persons including the appellants were threatening to kill the informant and his family in case of non-withdrawal of the said case.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. After investigation, police has submitted final form against the petitioner and he has not been sent up for trial but after finding the prima-facie case true, learned Special Court took cognizance against the appellants differing the opinion from the final form submitted by the police. No offence is made out under the provisions of the SC/ST Act against them. The appellants have not taken the caste name of the informant in public view and they had no intention to disgrace his image. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 08.12.2022 passed in Cr. Appeal (SJ) No. 2445 of 2022. Both the appellants are languishing in judicial custody since 2.01.2023.

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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 2.1.2023 passed in Special Case No. 131 of 2018 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Basantpur P.S. Case No. 136 of 2016 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Court, Siwan.

(Sunil Kumar Panwar, J)

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