

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.459 of 2023

Arising Out of PS. Case No.-173 Year-2022 Thana- ISUAPUR District- Saran

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1. MITHELESH SAH Son of Sudarshan Sah R/V- Mahuli, PO- Rampur Atauli, P.S- Isuapur, Distt- Saran PIN 841421
 2. Lalu Sah @ Lal Babu Sah Son of Late Gyani Sah R/V- Mahuli, PO- Rampur Atauli, P.S- Isuapur, Dist- Saran PIN 841421

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Suresh Pd Singh No.1
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-05-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 15.10.2022 passed by learned 3rd Additional Sessions Judge-cum-SC/ST Special Court at Saran, whereby the prayer for bail of the appellants in connection with Isuapur P.S. Case no. 173 of 2022 under Sections 143, 341, 342, 323, 324, 307, 302 of the Indian Penal Code and sections 3(i)(r) (s), 3(2)(v) of the SC/ST Act was rejected.

As per allegation in the FIR, while the informant and his son was going to Isuapur at reached near Bajarangbali, several accused persons including the appellants came there by Scorpio and forcefully got his son Pawan in the said vehicle. A



search was made and police recovered his son in injured condition and brought his son to sadar Hospital, Chapra, where doctor declared him as dead.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to ulterior motive. In fact, deceased was himself a hardened criminal and indulged into committing several crimes of loot, rape, ransom, murder etc. for which several cases are pending against him. The informant is not the eye witness of the alleged occurrence. As per postmortem report, stitched wounds were found on the body of the deceased, which creates serious doubt. No offence is made out under the provisions of the SC/ST Act against them as the appellants have not taken the caste name of the informant in public view and they had no intention to disgrace his image. Moreover, similarly situated co-accused namely, Sanjeev Sah has already been granted bail this Court vide order dated 20.4.2023 passed in Cr. Appeal (S.J.) No. 540 of 2023. The appellants have got no criminal antecedent and languishing in judicial custody since 4.8.2022.

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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 15.10.2022 passed in connection with Isuapur P.S. Case no. 173 of 2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Isuapur P.S. Case no. 173 of 2022 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 3rd Additional Sessions Judge-cum-SC/ST Special Court at Saran/concerned Court.

(Sunil Kumar Panwar, J)

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