

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.592 of 2023

Arising Out of PS. Case No.-257 Year-2020 Thana- DIGHA District- Patna

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VISHAL KUMAR @ MONTY Son of Mohan Rai @ Mohan Kumar R/v-
Makhdumpur, P.S.- Digha, District- Patna

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Chanda Devi wife of Ranvir Jat resident of village- Makhdumpur, Gate no. 90, Police station-Digha, Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Akhauri Kamal Kishore Sahay
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

8 22-06-2023 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 29.11.2022 passed by learned Exclusive Special Court, SC/ST Act, Patna in Digha P.S. Case No. 257 of 2020 whereby the prayer for bail of the appellant registered under Section 302, 341, 323, 325, 307, 365, 34 of the Indian Penal Code and sections 3(2)(v) of SC/ST Act was rejected.

As per allegation in the FIR, while the brother of the informant was sitting at the bank of river Ganga, some unknown miscreants trashed him and threw him in the drain since then he is traceless. Later on his dead body was recovered.



It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. His name transpired in restatement of the informant before the police. No specific allegation is attributed against the appellant. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 27.07.2021 passed in Cr. Appeal (SJ) No. 2824 of 2021 and order dated 31.8.2021 passed in Cr. Appeal (SJ) No. 1862 of 2021. No offence is made out under the provisions of the SC/ST Act against his. Appellant is languishing in judicial custody since 7.11.2022.

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 29.11.2022 passed in Spl. Case No. 251 of 2020 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Digba P.S. Case No. 257 of 2020 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
Exclusive Special Court, Sc/ST Act, Patna.

(Sunil Kumar Panwar, J)

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