

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.959 of 2023**

Arising Out of PS. Case No.-113 Year-2021 Thana- HASANPUR District- Samastipur

SANJEET KUMAR @ SANJIT KUMAR Son of Shankar Yadav @ Shiv
Shankar Yadav Resident of Village- Chandauli, P.S.- Bithan, District-
Samastipur ... Appellant

Versus

1. The State of Bihar
 2. Chandra Shekhar Ram Son of Late Asarfi Ram Resident of Village-
Dhavoliya, P.S.- Hasanpur, District- Samastipur
- Respondents

Appearance :

For the Appellant/s : Mr.Sarbottam Kumar Sarkar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 06-09-2023 Heard learned counsel for the appellant and the State.
Nobody appears for respondent no.2 in spite of valid service of
notice.

2. This appeal has been filed for setting aside order dated 31.8.2022, passed in a case registered for the offence punishable under sections 120b/302/34 of the Indian Penal Code and sections 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, all the FIR named accused persons, in a planned conspiracy, committed murder of informant's son and threw the dead body in the pond.

4. Learned counsel appearing for the appellant submits that the appellant is not named in the FIR and his name has come in this case during course of investigation on the basis of confessional statement of co-accused Ranjit Kumar. As per CDR, at the relevant time, petitioner was in contact with said



co-accused Ranjit Kumar, who happens to be his own brother. It is further submitted that this co-accused and several other similarly situated accused persons have already been acquitted by the trial court vide judgment dated 22.11.2022, passed in Tr.No. 1632 of 2022 (annexure 2).

5. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

6. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, SC/ST Act, Samastipur in Hasanpur Police Station Case No. 113 of 2021.

(Prabhat Kumar Singh, J)

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