

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.967 of 2023

Arising Out of PS. Case No.-240 Year-2019 Thana- SONBERSA District- Sitamarhi

Raju Kumar Son Of Jay Kishor Singh @ Jay Kishor Mahto Resident Of
Purandaha, Rajwaramai Tola, Musharniya, P.S.- Sonbersa, District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md Fazle Karim

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-05-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated 16.01.2023 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in connection with Sonbersa P.S. Case No. 240 of 2019 instituted for the offences punishable under Sections 341, 323, 109, 302, 34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

The prosecution case as per F.I.R is that on 02.11.2019, the informant along with his brother



Rakesh Kumar were going to see Chhath Ghat on motorcycle and when they reached near Kabir Math at Village-Musharniya, 5-6 persons including the appellant surrounded them. It is alleged that co-accused Bablu Kumar fired from his pistol upon the brother of the informant who sustained gunshot injuries. The injured was taken to the hospital, but on way, he died.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant. The specific accusation of firing is against Bablu Kumar. The appellant is in custody since 29.10.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent.

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
16.01.2023.

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 1st Additional Sessions
Judge-cum-Special Judge, SC/ST (POA), Sitamarhi in
connection with Sonbersa P.S. Case No. 240 of 2019.

(Sunil Kumar Panwar, J)

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