

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1058 of 2022

Arising Out of PS. Case No.-123 Year-2021 Thana- PUNPUN District- Patna

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SOHAN PANDIT S/o Narayan Pandit Resident of Village- Rusulpur, P.S.-
Punpun, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rocky Kumar Sri Shivpujan Paswan R/O Village-Ghordaur, P.O.-Kasma,
P.S.-Punpun District-Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjeev Kumar

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-02-2023 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 16.02.2022 passed by learned Special Judge SC/ST Act, Patna in Spl. Case No. 147 of 2021 whereby the prayer for bail of the appellant in connection with Punpun P.S. Case No. 123 of 2021 under Sections 147, 148, 149, 302 of the Indian Penal Code and section 3(2)(V) of SC/ST Act was rejected.

As per allegation in the FIR, several accused persons including the appellant have assaulted to the father of the informant, namely, Shiv Pujan Paswan, by means of lathi, danda



as a result of which he became injured and died.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case on the basis of mere suspicion. General and omnibus allegation has been levelled against the appellant. There is no eye witness of the alleged incident. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. They have got no criminal antecedent. Similarly situated other six accused persons have already been granted bail by different Benches vide order dated 13.09.2021, 16.11.2022, 21.07.2022, 03.11.2022 and 07.07.2022 passed in Criminal Appeal (SJ) Nos. 3627/2021, 1126/2022, 4723/2021, 248/2022 and 4686 of 2021 respectively. Appellant is languishing in judicial custody since 19.01.2022.

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 16.02.2022 passed in Spl. Case No147 of 2021 hereby set aside.



The appellant is directed to be enlarged on bail in connection with Punpun P.S. Case No. 123 of 2021 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 Special Judge, AC/ST Act, Patna.

(Sunil Kumar Panwar, J)

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