

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1016 of 2022**

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

Basant Tanti Son Of Kari Tanti Resident Of Village - Dhabauliya, Ward
No.02, P.S.- Hasanpur, Distt.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandra Shekhar Ram son of Late Asharfi Ram Resident of Village-
Dhabauliya, Ward no-01, P.S.-Hasanpur Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

5 23-03-2023 Heard learned counsel for the appellant and

learned Special P.P for the State. In spite of valid

service of notice, none appears on behalf of the

informant.

The appellant has challenged the order dated

07.02.2022 passed by learned Special Judge SC/ST Act,

Samastipur in connection with Hasanpur P.S. Case No.

113 of 2021 instituted for the offences punishable under

Sections 120(B), 302, 32 of the Indian Penal Code and

Sections 3(1)(s)(r), 3(2)(va) 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 the son of the informant has been murdered by the appellant along with co-accused Bimla Devi, Sanjay Sah, Manjay Sah, Laljit Sah, Shiv Kumar Sah, Krishna Kumar Sah, Rakesh Sah by conspiracy and threw his dead body in pond behind the school.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is no direct and consistent evidence against the appellant and only on the basis of suspicion, the appellant has been roped in the present case. The appellant is languishing in custody since 06.12.2021. A statement has been made in para 3 of the petition is that appellant has no criminal 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 07.02.2022 passed by learned Special Judge SC/ST Act, Samastipur in connection with Hasanpur P.S. Case No. 113 of 2021.

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 Special Judge SC/ST Act, Samastipur in connection with Hasanpur P.S. Case No. 113 of 2021.

(Sunil Kumar Panwar, J)

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