

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1366 of 2023**

Arising Out of PS. Case No.-87 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Sunil Kumar Son Of Shiv Balak Ray R/V- Bara Jagarnath P.S- Ahiyapur Dist-
Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Raju Paswan Son of Late Mangal Paswan R/V- Bara Jagarnath P.S-
Ahiyapur Dist- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nitu Kumari

For the Respondent/s : Mr.Binay Krishna

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

6 09-11-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 03.02.2023 passed by learned Additional District and Sessions Judge-I-Cum-Spl. Judge SC/ST Act, Muzaffarpur whereby the prayer for bail of the appellant in connection with Ahiyapur P.S. Case no. 87 of 2021 under Sections 302, 201 and 34 of the Indian Penal Code and sections 3(i) (r) (s)/ 3(2) (v) of SC/ST Act was rejected.

3. Allegation against the appellant along with other co-accused persons is that they committed murder of the son



of the informant and nephew of the informant.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. There is no eye witness of the alleged occurrence. Nothing has been recovered from the conscious possession of the appellant and also he has no concern either with the alleged occurrence or with the other co-accused persons. The main allegation against other co-accused of the same name who brought the victims from their house to celebrate birthday party. Similarly situated other co-accused persons have already been granted bail by another co-ordinate Bench of this Court vide Annexure-2 series of this petition. Moreover, the appellant is languishing in judicial custody since 09.03.2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. 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 03.02.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Ahiyapur P.S. Case No. 87 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 Additional District and Sessions Judge-I-cum Spl. Judge SC/ST Act, Muzaffarpur.

(Sunil Kumar Panwar, J)

Shubham/-

U		T	
---	--	---	--

