

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1429 of 2023

Arising Out of PS. Case No.-56 Year-2022 Thana- SAKRA District- Muzaffarpur

MD. FAIZAN @ FAIZAN S/o Md. Imteyaz @ Imteyaz Alam Resident of
Village-Bagdulhan, P.S.-Town Hajipur, District-Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Nunu Kumar son of Bisani Ram @Bathu Ram resident of village-
Parshuram Pachai, P.S.-Sakara, Dist- Muazffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rina Sinha
For the Respondent/s	:	Mr.Sadanand Paswan
For the Informant	:	Mr.s Namita Kumari
		Mr. Anshu Dhar Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 14-12-2023 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 23.11.2022 passed by learned Additional District and Sessions Judge-I-cum Special Court of SC/ST Act, Muzaffarpur whereby the prayer for bail of the appellant in connection with Sakra P.S. Case no. 56 of 2022 under Sections 302 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(i)(r)(s)/2(v)(va) of SC/ST Act was rejected.

3. As per prosecution case, it is alleged that



unknown miscreants committed murder of the informant's brother by fire arm.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case merely on the basis confessional statement of co-accused, namely, Md. Meraz which is not admissible in the eye of law. The informant is not an eye witness of the alleged occurrence. The appellant is not named in the FIR and there is no any specific overt act against him. During investigation no consistent evidence has been collected against the appellant. 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. The appellant is languishing in judicial custody since 27.04.2022.

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 23.11.2022 is hereby set aside.



7.The appellant is directed to be enlarged on bail in connection with Sakra P.S. Case no. 56 of 2022 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 court of Additional District and Sessions Judge-I-cum Special Court of SC/ST Act, Muzaffarpur.

(Sunil Kumar Panwar, J)

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