

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1552 of 2022**

Arising Out of PS. Case No.-372 Year-2021 Thana- KHAJANCHI HAT District- Purnia

CHUNMUN KUMAR JHA @ BATISH KUMAR JHA Son of Sri Vinod Jha
Resident of Village - Majlishpur, P.s.- Palasi, Distt.- Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Seema Devi W/o Jai Prakash Uraon Resident of Village - New J.P.Nagar,
Court Station , Purnea, Ward no.17, P.s.- K.Hat, Distt.- Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Kumar Anand
For the Respondent/s : Mr.Usha Kumari 1

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

6 09-02-2023 Though notice has been issued to O.P. No. 2, no one
has turned to assist the Court.

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 11.04.2022 passed by learned 1st
Additional Sessions Judge-cum-Special Judge, SC/ST Act,
Purnea whereby the prayer for bail of the appellant in
connection with SC/ST Case No. 94 of 2021/CIS No. 94 of
2021 arising out of K. Hat P.S. Case No. 372 of 2021 under
Section 302,201, 120(B) and 34 of the Indian Penal Code and
sections 3(2)(v) of SC/ST Act was rejected.



Prosecution case relates to recovery of dead body of brother of informant and then the FIR against unknown.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. No specific allegation is attributed against him. There is no eye witness of the occurrence. He had never tried to outrage the image of the informant and his family members. Similarly situated other accused person has already been allowed bail passed in Cri. Appeal (SJ) No. 3311 of 2021 vide order dt. 24.03.2022. Appellant is languishing in judicial custody since 20.05.2021.

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 11.04.2022 passed in Special SC/ST Case No. 94 of 2021/CIS No. 94 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with K. Hat P.S. Case No. 372 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
1st Additional Sessions Judge-cum-Special Judge, SC/ST Act,
Purnea.

(Sunil Kumar Panwar, J)

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