

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2395 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- NAYA RAM NAGAR District- Munger

MANISH KUMAR Son of Sanjay Yadav Resident of Village - Adampur, P.S.-
Naya Ram Nagar, District - Munger.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kalyani Devi Wife of Late Bambam Kumar Resident of Village - Gauripur,
P.S.- Naya Ram Nagar (Safia Sarai O.P.), District - Munger.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 07-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 18.04.2023 passed by learned Additional District and Sessions Judge 1st-cum-Special Judge, SC/ST Act, Munger whereby the prayer for bail of the appellant in connection with Naya Ram Nagar P.S. Case no. 165 of 2022 under Sections 302, 386 and 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2) (v) of SC/ST Act was rejected.

Allegation against the appellant along with other co-accused is that they committed murder of the informant's



husband by firearm and the reason of this as alleged occurrence is said to be that one co-accused Arvind Yadav demanded ransom money from the informant's husband but he did not paid him, therefore killed her husband.

It is submitted by learned counsel for the appellant that appellant is innocent and he has been falsely implicated in this case. The appellant was not named in FIR rather his name came into light in this case during investigation on the basis of confessional statement of co-accused Sarwan Kumar and Arvind Yadav before the police which has no evidentiary value in the eye of law. There is no specific overt act against this petitioner and nothing consistent material has come against him. Similarly situated co-accused persons have already been granted bail by this Bench vide order dated 09.11.2023 passed in Cr. Appeal (SJ) No. 2920 of 2023 and Cr. Appeal(SJ) No. 3291 of 2023. Moreover, the petitioner is languishing in judicial custody since 27.03.2023.

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 18.04.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Naya Ram Nagar P.S. Case. No 165 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 Additional District and Sessions Judge 1st-cum-Special Judge, SC/ST Act, Munger

(Sunil Kumar Panwar, J)

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