

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2536 of 2023

Arising Out of PS. Case No.-125 Year-2017 Thana- AMARPUR District- Banka

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1. Manish Panjiyara @ Munna @ Manish Kumar S/O Sanjeev Panjiyara R/O Village-Nagardih, P.S.-Phullidumar, Dist.-Banka
 2. Rajesh Panjiyara S/O Sanjeev Panjiyara R/O Village-Nagardih, P.S.-Phullidumar, Dist.-Banka

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ravi Kant Paswan Deep Narayan Paswan Resident of Village- Nagardih, P.S.-Phulli Dumar, District- Banka

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Balram Kapri
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 14-12-2023 Heard learned counsel for the appellants, learned counsel of the informant and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 25.2.2023 passed by learned Additional Sessions Judge 1st, Banka whereby the prayer for bail of the appellant in connection with Amarpur (Fullidumar) P.S. Case no. 125 of 2017 under Sections 147, 148, 149, 302 of the Indian Penal Code, section 27 of the Arms Act and sections 3(2)(v) of SC/ST Act was rejected.

3. As per prosecution case, the informant alleged that his younger brother Girdhari Paswan was shot dead and the



appellants along with other accused persons were seen flying away from the place of occurrence.

4. It is submitted by learned counsel for the appellants that appellants are innocent. It is said that the appellants were seen flying away from the place of occurrence and on the basis of which, they have been falsely implicated in this case due. No any consistent material has brought on record to connect the appellants with the alleged occurrence. No one is eye witness to the alleged offence. No offence is made out under the provisions of the SC/ST Act against the appellants. It is also submitted that the appellants are languishing in judicial custody since 9.1.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that the appellants have got several criminal antecedents.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 25.2.2023 passed in Amarpur (Fullidumar) P.S. Case no. 125 of 2017 is hereby set aside.

7. The appellants are directed to be enlarged on bail in



connection with Amarpur (Fullidumar) P.S. Case no. 125 of 2017 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st, Banka.

(Sunil Kumar Panwar, J)

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