

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2751 of 2023

Arising Out of PS. Case No.-234 Year-2022 Thana- MOTIPUR District- Muzaffarpur

PARWEZ ALAM @ MOHAMMAD PARWEZ Son of Mohammad Abu Hamja @ Md. Hamja Miyan Resident of Village - Rampur Ugan, P.S.- Motipur, District - Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Ram Son of Dhanpat Ram Resident of Rampur Ugan, P.S.- Motipur, District -Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amit Srivastava, Adv. Mr. Girish Pandey, Mr. Asit Kalim
For the Respondent/s	:	Mr. Binay Krishna
For the Informant	:	Mr. Rajeev Ranjan II and ors.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 21-09-2023 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 24.6.2022 passed by learned Special Judge SC/ST (POA) Act, Muzaffarpur whereby the prayer for bail of the appellant in connection with Motipur P.S. Case no. 234 of 2022 under Section 302/34 of the Indian Penal Code and sections 3(2)(v) SC/ST (POA) Act was rejected.

It is a case of causing death of the informant's son, namely, Deepak Kumar who was engaged in Peeling machines



owned by the appellant.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Informant has not seen the occurrence rather general and omnibus allegation has been levelled against the appellant. Unfortunately shirt of deceased was caught in the peeling machine and he came into grip of machine and received injury. Appellant and his parents took him to hospital where he died. After investigation, chargesheet has been submitted u/s 304 IPC and not u/s 302 IPC. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent and languishing in judicial custody since 30.4.2023.

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 23.5.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Motipur PS Case No. 234 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 Special Judge SC/ST (POA) Act, Muzaffarpur.

(Sunil Kumar Panwar, J)

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