

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2804 of 2023**

Arising Out of PS. Case No.-99 Year-2022 Thana- DHOLBAJJA District- Bhagalpur

BABLU MANDAL son of Shoshan Mandal R/o- Dithara Chandpur Morsanda
Ps- Falka Pothia Dist- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanchu Das son of Late Asharfi Das R/o- Goraiya Tola Dholbajja Ps-
Dholbajja Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

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

3 14-12-2023 Heard learned counsel for the appellant and learned
Special P.P for the State.

2. The appellant has challenged the order dated 18.4.2023 passed by learned Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Dholbajza P.S. Case No. 99 of 2022 instituted for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

3. It is a case of commission of murder of the son of the informant namely, Kanti Sharma by FIR named accused persons as well as other unknown persons.



4. It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant is not named in the F.I.R and his name subsequently sprang up on the confessional statement of co-accused Khagesh Mandal. There is no eye witness to the occurrence. The provision under the SC/ST Act would not be applicable in the case of the appellant. During investigation also, no consistent material evidence was collected against the appellant. The appellant is in custody since 24.10.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent. Moreover, similarly situated co-accused namely, Khokha Rishideo has already been granted bail by this Court vide order dt. 7.12.2023 passed in Cr. Appeal (SJ) No. 3.813 of 2023.

5. Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

6. Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 18.4.2023.

7. Accordingly, this appeal is allowed.

8. The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten



thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Bhagalpur in connection with Dholbazza P.S. Case No. 99 of 2022.

(Sunil Kumar Panwar, J)

Amandeep/-

U		T	
---	--	---	--

