

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3128 of 2023**

Arising Out of PS. Case No.-210 Year-2022 Thana- VAISHALI District- Vaishali

SONU KUMAR son of Bhushan Sahni @ Chandra Bhushan Sahani Village-
Afzalpur Ps- Vaishali Belsar OP Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. BECHAN PASWAN son of Devan Paswan Village- Afjalpur Ps- Vaishali
Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar Mr. Hemant Ray
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 12-10-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 08.06.2023 passed by learned Special Judge, S.C. & S.T. Act, Vaishali at Hajipur whereby the prayer for bail of the appellant in connection with Vaishali (Belsar O.P.) P.S. Case no. 210 of 2022 under Sections 147, 148, 149, 341, 323, 302, 385, 354, 504 and 506 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)(va) of SC/ST Act was rejected.

3. Allegation against the appellant is to commit murder of daughter of informant along with other co-accused



persons/family members/ relatives as son of co-accused namely, Megnath Sahni married with daughter of informant, who is member of Schedule Caste community.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. The appellant is cousin of the husband of the deceased due to which he has been falsely implicated in this case. He has no concern mess and business of the deceased or with her husband and lives separately from them. The allegation in the F.I.R. is general and omnibus and there is no any specific allegation levelled against the appellant. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no criminal antecedent. Similarly situated other accused persons have already been enlarged on bail by another coordinate Bench of this Court vide order dated 14.12.2022 passed in Cr. Appeal (SJ) No. 2871 of 2022 which is annexed as Annexure-2/1 of this appeal. Moreover, he is languishing in judicial custody since 17.05.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.



6. 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 08.06.2022 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Vaishali (Belsar O.P.) P.S. Case No. 210 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, S.C. & S.T. Act, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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