

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3202 of 2023

Arising Out of PS. Case No.-266 Year-2021 Thana- KOILWAR District- Bhojpur

Bhirgun Sah @ Raj Kumar Sah @ Raj Kumar Son Of Late Girja Sah Resident
Of Village - Kajichak, P.S.- Koilwar, District - Bhojpur At Ara

... .. Appellant/s

Versus

1. The State of Bihar
2. Pushpa Devi Wife of Late Santosh Paswan @ Pankshi Paswan Resident of
Village - Chhotka Chanda, P.S.- Koilwar, District - Bhojpur at Ara

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3060 of 2023

Arising Out of PS. Case No.-266 Year-2021 Thana- KOILWAR District- Bhojpur

Md. Naimudin @ Kyamuddin Ansari @ Md. Naimudin Ansari S/O
Samasudin R/O Village- Kajichak Chanda, P.S- Koilwar, Distt.- Bhojpur, Ara.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Pushpa Devi W/O Late Santosh Paswan @ Panchi Paswan R/O Village-
Kajichak Chanda, P.S- Koilwar, Distt.- Bhojpur, Ara.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3202 of 2023)

For the Appellant/s : Mr.Rama Kant Singh

For the Respondent/s : Mrs.Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 3060 of 2023)

For the Appellant/s : Mr. Akash Kumar Mishra

Mr. Shambhu Narayan Singh

For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 12-10-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants
against the order dated 09.06.2023 passed by learned 1st



Additional Sessions Judge-cum-Special Judge SC/ST Act, Bhojpur at Ara hereby the prayer for bail of the appellants in connection with Koilwar P.S. Case no. 266 of 2021 under Sections 302 and 34 of the Indian Penal Code and sections 3(i)(r)(s), 3(ii)(v) of SC/ST Act was rejected.

Allegation against the appellants along with other co-accused persons is that had been pressurizing the husband of the informant to deliver illicit liquor and he was assaulted by them. It is further alleged that they committed murder of her husband later on.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to village politics. They have 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 them. The appellants are not named in FIR rather their name came into light in this case on the basis of confessional statement of other co-accused persons before the police which has got no evidentiary value in the eye of law. Nothing specific allegations have been levelled against the appellants. A statement has been made in para-3 of both the petitions that the appellants have got no criminal antecedent. Similarly situated other co-accused person has



already been granted bail by co-ordinate Bench of this Court vide order dated 21.07.2022 in Cr. APP(SJ) No. 4585 of 2021. Moreover, they are languishing in judicial custody since 28.05.2023.

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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 09.06.2023 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Koilwar P.S. Case No 266 of 2021 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each of them with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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