

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3270 of 2023

Arising Out of PS. Case No.-119 Year-2020 Thana- KHANPURA District- Samastipur

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Bike Sahni @ Bike Kumar @ B.K. Sahni @ B.K. Kumar Son Of Sudin Sahni
@ Sudin Kumar Resident Of Village - Sivaisinghpur, Ward No.3, P.S. -
Khanpur, District - Samastipur

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Sumitra Devi Wife Of Late Ram Chandra Ram Resident Of Village -
Sivaisinghpur, Ward No.3, P.S. - Khanpur, District - Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dilip Kumar Roy
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-11-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant.

2. The instant appeal has been filed by the appellant
against the order dated 27.06. 2023 passed by learned Court
of Special Judge SC/ST (POA) Act, Samastipur whereby the
prayer for bail of the appellant in connection with Khanpur
P.S. Case no. 119 of 2020 under Sections 364, 302/34 of the
Indian Penal Code and sections 3(1)(r)(s) and 3(2)(c)(va) of
SC/ST Act was rejected.

3. As per prosecution case, the appellants along
with other co-accused persons came, kidnapped and murdered



the informant's husband and in the name of purchasing a Boat, as there was chance of flood.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case due to admitted land dispute and dirty village politics. Only general and omnibus allegations are levelled against the appellant and specific allegations against the other co-accused. There is no eye witness of the alleged occurrence. 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. It is further submitted that according to postmortem report and the doctor opinion the deceased died only due to Asphyxia caused by drowning and moreover no external or internal injury has been found on the body of the deceased. The other co-accused namely, Sudin Sahni has already been granted bail by another co-ordinate Bench of this Court vide order dated 30.06.2022 passed in Cr. Appeal (SJ) No. 894 of 2021. The appellant has got no criminal antecedent and languishing in judicial custody since 16.06.2023.

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



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 27.06.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Khanpur P.S. Case No.119 of 2020 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 Court of Special Judge SC/ST(POA) Act, Samastipur.

(Sunil Kumar Panwar, J)

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