

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3388 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- PARBATTI District- Bhagalpur

SINTU KUMAR S/O Chandrakant Mandal R/O Village- Chhote Parbatta,
P.S- Ismilpur, Distt.- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Umesh Paswan S/O Chandrakant Mandal R/O Village- Tikapatti and P.S-
Tikapatti, Distt.- Purnea.

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3201 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- PARBATTI District- Bhagalpur

DEEPAK @ DEEPAK KUMAR Son of Manoj Mandal @ Mahesh Fauzi
Resident of village - Parbatta (Choti Parbatta), P.S. - Ismailpur, Distt. -
Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Umesh Paswan Son of Late Baikunth Paswan Resident of village and P.S. -
Tikapatti, Distt. - Purnea

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3388 of 2023)

For the Appellant/s : Mr.Ranjan Kumar Jha

For the Respondent/s : Mr.Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 3201 of 2023)

For the Appellant/s : Mr.Ranjan Kumar Jha

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 09-11-2023 Heard learned counsel for the appellants, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

2. The instant appeal has been filed by the appellant
against the order dated 19.6.2023 passed by learned 3rd



Additional Sessions Judge-cum-Special Judge SC/ST, Bhagalpur, whereby the prayer for bail of the appellants in connection with Parbatta P.S. Case no. 84 of 2023 under Sections 394, 302 of the Indian Penal Code, section 27 of the Arms Act and sections 3(2)(v) of SC/ST Act was rejected.

3. According to the prosecution case, while the son of the informant was returning after collecting money, in the meantime, some miscreants including the appellant stopped him and one of them fired by gun due to his son sustained injury and thereafter he died. The accused persons looted the bag containing cash and mobile of the informant's son.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. The appellant Sintu Kumar is not named in the FIR rather his name was surfaced during investigation. No one is eye witnesses of the alleged occurrence. Nothing has been recovered from conscious possession of the appellants. They are languishing in judicial custody since 8.5.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that appellant Deepak Kumar is named in the FIR. From perusal of case diary, it appears that the appellant Deepak



Kumar confessed his guilt regarding loot and commit murder of the deceased. At instance of confessional statement of appellant Deepak Kumar, looted cash and mobile phone of the deceased were recovered from his house. He has also got two criminal antecedent.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant Sintu Kumar, the Court is inclined to allow the appeal of appellant Sintu Kumar. Accordingly, the appeal is allowed and the impugned order dated 19.6.2023 passed in Parbatta P.S. Case No. 84 of 2023 is hereby set aside.

7. The appellant Sintu Kumar is directed to be enlarged on bail in connection with Parbatta P.S. Case No. 84 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST, Bhagalpur.

8. So far as appellant Deepak Kumar is concerned, he is named in the FIR and at instance of his confessional statement, looted cash and mobile phone was recovered, I am not inclined to grant bail to the appellant, as such, his prayer of



bail stands rejected.

9. The trial court is directed to expedite the trial and
conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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