

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3149 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- MUSRIGHRARI District- Samastipur

AJAY SAH @ AJAY KUMAR SAH Son of Late Dhaniklal Sah Resident of
Village-Bishambharpur Ailoth, P.S.-Musrigharari, District-Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. MANISHA KUMARI Wife of Mukesh Kumar Resident of Village-
Bishambharpur Ailoth, P.S.-Musrigharari, District-Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Jitendra Narain Sinha
For the State	:	Mr.Usha Kumari I
For the Informant/s	:	Mr. Anant Kr. Mishra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-09-2023 Heard learned counsel for the appellant, learned
counsel for the appellant and learned Special Public Prosecutor
for the State.

2. The instant appeal has been filed by the appellant
against the order dated 28.6.2023 passed by learned Special
Judge SC/ST (POA) Act, Samstipur, whereby the prayer for bail
of the appellant in connection with Musrigharari P.S. Case no.
79 of 2023 under Sections 302, 313, 201, 323/34 of the Indian
Penal Code and sections 3(i)(r)(s), 3(2)(v) of SC/ST Act was
rejected.

3. The appellant along with co-accused is alleged to
have caused death to the daughter of the informant, aged about 2



years and buried the deceased after digging a pit by J.C.B.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The petitioner is grandfather of the deceased against whom, no any specific overt-act attributed. The specific allegation of killing daughter of the informant is against other co-accused. The petitioner has not taken the cast name of the informant in public view so no offence is made out under the provisions of the SC/ST Act against him. The appellant has got no criminal antecedent as stated in para-3 of the bail petition. Moreover, he is languishing in judicial custody since 12.6.2023.

5. Learned Spl. PP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

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 28.6.2023 passed in Musrigharari P.S. Case No. 79 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Musrigharari P.S. Case No. 79 of 2023 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 SC/ST (POA) Act, Samastipur.

(Sunil Kumar Panwar, J)

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