

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3289 of 2023

Arising Out of PS. Case No.-135 Year-2023 Thana- KESARIA District- East Champaran

Dheeraj Kumar Son Of Surendra Sah Village Phultakiya, Ps- Kesariya, Dist-
East Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Pramod Paswan Son Of Late Mannu Paswan Resident Of Village-
Raghunathpur, Ps- Kesariya, Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anant Kumar Mishra
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-10-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant.

The instant appeal has been filed by the appellant
against the order dated 31.05.2023 passed by learned Special
Judge, SC/ST East Champaran, Motihari whereby the prayer for
bail of the appellant in connection with Kesariya P.S. Case no.
135 of 2023 under Sections 302, 120B and 34 of the Indian
Penal Code and sections 3(2) (V) of SC/ST Act was rejected.

Prosecution case in short, is that the appellant along
with one co-accused person came at the house of the informant
and they took away the informant's son. After that informant's



son did not come back home. On next morning, dead body of the informant's son was found on the road near village.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous village politics. 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 name of the appellant came in this case on the basis of confessional statement of other co-accused person before the police which has got no evidentiary value in the eye of law. The allegation against the appellant is that he only took away the informant's son and except that nothing consistent material has come against the appellant in commission of this offence. Nothing incriminating article has been recovered in respect of commission of murder of the informant's son. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 17.03.2023.

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

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 31.05.2023 passed in Kesariya P.S. Case No. 135 of 2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Kesariya P.S. Case No. 135 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 East Champaran.

(Sunil Kumar Panwar, J)

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