

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2778 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- RIGA District- Sitamarhi

Sanjiv Kumar S/O Baskit Paswan Resident Of Village- Riga Tola, Ramnagar,
P.S.- Riga, District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satyam Shivam Sundaram

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

8 11-05-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
25.07.2022 passed by learned 1st Additional Sessions
Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi
in connection with Riga P.S. Case No. 123 of 2022
instituted for the offences punishable under Sections
302/34 of the Indian Penal Code, Sections 3(2)(v) of
the SC/ST Act and Section 27 of the Arms Act, whereby
his prayer for being released on bail has been rejected.

The allegation against the appellant is to
commit murder of the son of the informant along with



other co-accused persons after calling him from his house.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is no eye witness to the occurrence. There was land dispute between the parties and the appellant has been made accused in this case only on the basis of suspicion. The deceased himself was a man of criminal nature and several criminal cases were pending against him. The appellant is in custody since 11.04.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent. Moreover, other co-accused has been granted bail by a coordinate Bench of this Court vide order dated 07.12.2022 passed in Cr. Appeal (SJ) No. 2765 of 2022.

Learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail



of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 25.07.2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in connection with Riga P.S. Case No. 123 of 2022.

(Sunil Kumar Panwar, J)

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