

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4027 of 2021

Arising Out of PS. Case No.-186 Year-2019 Thana- SARAI RANJAN District- Samastipur

SANJAY RAI @ SANJAY KUMAR RAI S/O UMESH RAI @ UMESH
RAY Resident of Rasalpur, P.S.- Sarairanjan, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Uday Kumar Das son of Surendra Das R/O vill- Jan Mohammad, P.S.-
Sarairanjan, District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijay Bhushan Prasad
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 14-09-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 27.07.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur whereby the prayer for bail of the appellant in connection with Sarairanjan P.S. Case no. 186 of 2019 under Sections 147, 302, 323, 379, 427 of the Indian Penal Code and sections 3(1)(r), 3(1)(s) of SC/ST Act was rejected.

Allegations against the appellant is of abusing, assaulting by fists and slaps due to which mother of the informant succumbed to injury.



It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this. Dispute occurrence between the parties over hiring a tempo. Alleged occurrence took place at the spur of moment. Allegedly, informant has assaulted the deceased by fists and slaps whereas, doctor opined cause of death due to strangulation in postmortem report. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 26.10.2021 passed in Cr. Appeal (SJ) No. 2871 of 2021. Appellant is languishing in judicial custody since 30.5.2020.

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

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 27.07.2021 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Sarairanjan PS Case No. 186 of 2019 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 1st Additional Sessions Judge-cum-Special Judge
SC/ST, Samastipur.

(Sunil Kumar Panwar, J)

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