

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3024 of 2022

Arising Out of PS. Case No.-104 Year-2020 Thana- DULHIN BAZAR District- Patna

Ram Subhag Mahto S/O Late Ram Krit Mahto R/O Village- Lala Bhadsara,
P.S.- Dulhin Bazar, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmendra Kumar S/O Shyam Charan Mistri R/O Village- Lala Bhadsara,
P.S.- Dulhin Bazar, District- Patna
3. Lal Bahadur Paswan son of late Hajari Paswan resident of village-
Kasimchak, P.S.- Dulhinbazar, District- Patna

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 06-04-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated

26.07.2022 passed by learned Special Judge, SC/ST

Act, Patna in connection with Special Case No. 262 of

2020, arising out of Dulhin Bazar P.S. Case No. 104 of

2020 instituted for the offences punishable under

Sections 307, 302, 34, 120(B) of the Indian Penal

Code, Section 27 of the Arms Act and Sections 3(i)(v)

(s), 3(2)(va) of the SC/ST Act whereby his prayer for



being released on bail has been rejected.

As per prosecution story, while the informant had gone to market for purchasing boring pipe and was returning home, suddenly three persons riding on a motorcycle, two persons fired indiscriminately upon the informant, the informant ran away towards the house of his *Mausa* namely Chitranjan Sharma and when he returned back, he saw one unknown person sustained injury on his neck and chest due to said firing and later on in course of treatment, he died in PMCH, Patna.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case due to previous enmity inasmuch as the informant and his family members are active members of the criminal group engaged in the crime. They wanted to capture the property of the Ram Janki Math Lala Bhadsara, a public Trust, registered under the Bihar State Hindu Religious Trust Act, 1950. It has further been submitted that informant and his



family members are having evil eyes on the land of the Trust and due to the land dispute, the appellant along with other accused persons have falsely been implicated in this case. From perusal of the F.I.R, it would be apparent that allegation of firing is against unknown. The appellant is in custody since 06.06.2022. Moreover, other similarly situated co-accused person has been granted bail by a coordinate Bench of this Court vide order dated 09.07.2021 passed in Cr. Misc. No. 2435 of 2021.

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 26.07.2022 passed by learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 262 of 2020, arising out of Dulhin Bazar P.S. Case No. 104 of



2020.

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 Special Judge, SC/ST Act, Patna in connection with Special Case No. 262 of 2020, arising out of Dulhin Bazar P.S. Case No. 104 of 2020.

(Sunil Kumar Panwar, J)

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