

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3399 of 2023**

Arising Out of PS. Case No.-102 Year-2023 Thana- SASARAM MUFFSIL District- Rohtas

PINTU YADAV @ PINTU KUMAR S/O BHORIK YADAV R/O VILLAGE-
BAHRAR, P.S- SASARAM(M), DISTT.- ROHTAS AT SASARAM.

... .. Appellant/s

Versus

1. The State of Bihar
2. VIKASH KUMAR S/O SRI BHARAMDEO PASWAN R/O VILLAGE-
BAHRAR, P.S- SASARAM(M), DISTT.- ROHTAS AT SASARAM.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Deovind Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 02-11-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant.

2. The instant appeal has been filed by the appellant
against the order dated 26.06.2023 passed by learned
Additional District and Sessions Judge-XVII-cum-Special
Judge, SC/ST Act, Rohtas at Sasaram whereby the prayer for
bail of the appellant in connection with Sasaram (M) P.S.
Case no. 102 of 2023 under Sections 302/34 of the Indian
Penal Code, Section 27 of the Arms Act and sections 3(i)
(ra)/3(i)(r)(s) of SC/ST Act was rejected.

3. It is a case of commission of murder of the



informant's brother namely, Pintu Paswan by the named accused persons including the appellant and 2-3 unknown persons by fire arms injury.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case due to village politics. No one is eye witness of the alleged occurrence. General and omnibus allegation has been levelled against the appellant and other accused persons. No one is the eye witness of the alleged occurrence. Except the suspicion, there is no other material or consistent evidence has come against the appellant which shows his complicity in the alleged occurrence. No incriminating article has been recovered from his conscious possession. 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 appellant suo- motu surrendered on 16.03.2023 and since then he is languishing in judicial custody.

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

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 26.06.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Sasaram (M) P.S. Case no. 102 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 Additional District and Sessions Judge-XVII-cum-Special Judge, SC/ST Act, Rohtas at Sasaram

(Sunil Kumar Panwar, J)

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