

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3112 of 2022**

Arising Out of PS. Case No.-14 Year-2022 Thana- THAWE District- Gopalganj

Sumit Kumar Singh @ Sri Ram Singh Son Of Brij Bihari Singh Resident Of
Village - Dhatiwana, P.S.- Thawe, District - Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chand Jyote Devi wife of Bhukhal Mushar Resident of village - Math
Gautam, P.S.- Thawe, District - Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pankaj Kumar Dubey
For the Respondent/s : Mr.Usha Kumari 1

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

6 16-03-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated
28.07.2022 passed by learned Additional Sessions
Judge-III-cum-Special Judge, SC/ST, Gopalganj in
connection with Thawe P.S. Case No. 14 of 2022
instituted for the offences punishable under Sections
302/34 of the Indian Penal Code, Section 27 of the
Arms Act and Sections 3(i)(r)(s), 3(2)(v-a) of the SC &
ST (Prevention of Atrocities) Act whereby his prayer for
being released on bail has been rejected.



It is a case of opening fire due to which brother-in-law (*Bhaisur*) of the informant Sukhal Mushar shot dead.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant is not named in the F.I.R and during investigation, on the self confession of the appellant, he was made accused in the present case. There is no consistent material against the appellant to connect him in the crime. The appellant is in custody since 26.02.2022.

Learned counsel appearing on behalf of the informant and learned Special P.P for the State have vehemently opposed the prayer for bail of the appellant and submitted that appellant has confessed his guilt and charge-sheet has already been submitted against him.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 28.07.2022 passed by learned Additional Sessions



Judge-III-cum-Special Judge, SC/ST, Gopalganj in
connection with Thawe P.S. Case No. 14 of 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 Additional Sessions Judge-
III-cum-Special Judge, SC/ST Act, Gopalganj in
connection with Thawe P.S. Case No. 14 of 2022.

(Sunil Kumar Panwar, J)

Shageer/-

U		T	
---	--	---	--

