

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3742 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- SANOKHAR District- Bhagalpur

PRAMOD MANDAL Son of Rajo Mandal Resident of Village-Guthiyani
Tinghariya, .S.-Amdanda, District-Bhagalpur. (Accused)

... .. Appellant/s

Versus

1. The State of Bihar
2. VITTIMAY DEVI W/o Late Patwari Hansda R/o-Teenghadiya Ghuthiani,
P.S.-Amdanda, District-Bhagalpur. (Informant)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Diwakar Upadhyaya
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 30-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 02.06.2023 passed by learned 3rd Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur whereby the prayer for bail of the appellant in connection with Sanokhar (Amdanda) P.S. Case No. 60 of 2023 under Sections 302, 201, 34 of the Indian Penal Code and sections 3(2)(v) of SC/ST Act was rejected.

3. It is a case of commission of murder of the informant's husband namely, Patwari Honsda by all FIR named accused persons including the appellant.



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 only on the basis of suspicion. No one is the eye witness of the alleged occurrence. There is no specific allegation against the petitioner and he has been made accused in this case only because he is brother of the co-accused Arvind Mandal, who has inimical term with the informant. No incriminating article has been recovered from his 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 her. Similarly situated co-accused namely, Sunita Devi has already been granted bail by this Bench vide order dated 12.10.2023 passed in Cr. Appeal (SJ) No. 3205 of 2023. It is also submitted that appellant has got no criminal antecedent and languishing in judicial custody since 16.03.2023.

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

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 02.06.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Sanokhar (Amdanda) P.S. Case no. 60 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 3rd Additional District and Sessions Judge-cum-Special Judge(SC/ST) Act, Bhagalpur.

(Sunil Kumar Panwar, J)

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