

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4073 of 2023

Arising Out of PS. Case No.-76 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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VIDYA BAITHA S/o- MANGAL BAITHA Village- Sisai Ps- Mashrakh Dist-
Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Paspat Sah son of Chandrika Sah Village- Sisai Ps- Mashrakh Dist- Saran at Chapra

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rakesh Kumar

For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-10-2023 Heard learned counsel for the appellant, learned

counsel for the informant and learned Special Public

Prosecutor for the State.

The instant appeal has been filed by the appellant
against the order dated 2.8.2023 passed by learned
Exclusive Special Judge SC/ST, Saran at Chapra whereby
the prayer for bail of the appellant in connection with
Complaint Case No. 76 of 2022 under Section 302/34 and
120(B) of the Indian Penal Code and sections 3(i)(r)(s) of
SC/ST Act was rejected.

As per allegation in the Complaint petition,



accused persons called the cousin grandson of the complainant and took him to Barhiya orchard and allegedly accused persons have assaulted his grandson, namely, Manish Kumar and he succumbed to injuries.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Informant is not the eye witness of the occurrence. Initially the case was registered as U.D. Case No. 06 of 2020. After investigation, police has submitted final form against the appellant. As per postmortem report, cause of death opined by doctor is cardio respiratory failure due to spinal shock. No offence is made out under the provisions of the SC/ST Act against them. Appellant is languishing in judicial custody since 30.6.2023.

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 2.8.2023 is hereby set aside.



The appellant is directed to be enlarged on bail in connection with Complaint Case No. 76 of 2022 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 Exclusive Special Judge SC/ST, Saran at Chapra.

(Sunil Kumar Panwar, J)

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