

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3856 of 2022

Arising Out of PS. Case No.-286 Year-2020 Thana- KATEYA District- Gopalganj

Munna Sah @ Munna Jaishwal Son Of Late Manager Sah R/O Vill.-
Jamunaha Bazar, P.S.- Kateya, Distt.- Gopalganj

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Harendra Prasad
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 20-04-2023 Heard learned counsel for the appellant and

learned Special P.P for the State. In spite of valid service of
notice, none appears on behalf of the informant.

The appellant has challenged the order dated
01.09.2022 passed by learned Additional Sessions Judge-
III-cum-Special Judge, SC/ST Act, Gopalganj in connection
with Kateya P.S. Case No. 286 of 2020 instituted for the
offences punishable under Section 302/34 of the Indian
Penal Code, Section 3(2) (V) of the SC/ST Act and 27 of
Arms Act whereby his prayer for being released on bail has
been rejected.

It is alleged by the informant that two unknown
miscreants came on a motorcycle and the pillion rider shot



at the father of the informant, as a result of which, he sustained gunshot injuries and died.

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 F.I.R. There is no specific over act alleged against the appellant. There is no eye witness to the occurrence. Nothing incriminating has been recovered from the conscious possession of the appellant. During the investigation, the appellant was dragged in the present case mainly on the basis of the confessional statement of co-accused namely Munna Mishra. The appellant is in custody since 07.09.2021.

Learned Special P.P appearing on behalf of the State has 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 01.09.2022 passed by learned Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Gopalganj in connection with Kateya P.S. Case No. 286 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 Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Gopalganj in connection with Kateya P.S. Case No. 286 of 2020.

(Sunil Kumar Panwar, J)

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