

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4344 of 2023

Arising Out of PS. Case No.-551 Year-2021 Thana- CHANPATIA District- West Champaran

Muslim Miyan Son Of Late Rafik Dewan Village- Station Road Chanpatiya
W.No-10, Ps- Chanpatiya Dist- W.Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Pushpanjali Kumari D/o- Late Chhabishankar Ram Village- Station Road,
Chanpatiya Ps- Chanpatiya Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-10-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 07.08.2023 passed by learned Additional District & Sessions Judge-1st-cum-Special Judge whereby the prayer for bail of the appellant in connection with Chanpatiya P.S. Case No. 551 of 2021 under Sections 147, 148, 149, 302 and 34 of the Indian Penal Code and sections 3(i) (r) (s)/ 3(ii) (v-a) of SC/ST Act was rejected.

3. The allegation against the appellant along with other co-accused persons is of committing murder of the father of the informant due to previous enmity.



4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to and dirty village politics and previous enmity. The informant is not the eye witness of the alleged occurrence. There is no specific overt act of commission of murder against the appellant rather general and omnibus allegation has been attributed against him. No any cogent material has come against him during investigation. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Similarly situated other co-accused person has already been granted bail by different co-ordinate Bench of this Court vide Annexure-2 of this petition. Moreover, the appellant is languishing in judicial custody since 11.05.2023.

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 07.08.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail



in connection with Chanpatiya P.S. Case No. 551 of 2021 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-1st-cum-
Special Judge (SC/ST), Bettiah, West Champaran.

(Sunil Kumar Panwar, J)

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