

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3858 of 2022

Arising Out of PS. Case No.-183 Year-2019 Thana- MAHISHI District- Saharsa

RAMKHELAWAN SAHNI @ GABBAR S/O Dhanik Sahni R/O Village-
Jalai P.S- Mahishi (O.P Jalai) District- Saharsa Appellant/s
Versus

THE STATE OF BIHAR Respondent/s

Appearance :

For the Appellant/s : Mr.Diwakar Prasad Singh
For the Respondent/s : Mr.Sadanand Paswan
For the Informant Mr. Dinesh and Mr. Satish Kr. Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 09-02-2023 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 14.10.2022 passed by learned Additional Sessions Judge-III-cum-learned Special Judge at Saharsa passed in Special Case No. 321 of 2019 corresponding to Mahishi PS Case No. 183 of 2019 whereby the prayer for bail registered under Sections 147, 148, 149, 341, 342, 302, 504, 506 of IPC and Section 3(2)(r) of SC/ST Act was rejected.

As per allegation in the FIR, several accused persons including the appellant are indulged in killing of Rajesh Chaupal by strangulation over a election dispute of Mukhiya.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous election dispute and dirty village politics. There is no



eye witness of the occurrence. No specific allegation is attributed against the appellant. He has never tried to demolish the image of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. Appellant is languishing in judicial custody since 22.8.2022.

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 14.10.2022 passed in Special Case No. 321 of 2019 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Mahishi P.S. Case No. 183 of 2019 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 Sessions Judge-III-cum-learned Special Judge at Saharsa.

(Sunil Kumar Panwar, J)

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