

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4034 of 2022

Arising Out of PS. Case No.-106 Year-2021 Thana- KHAGARIA District- Khagaria

Md. Samir @ Md. Samir Alam S/O Md. Sultan Miyan, Resident of village-
Bihta, P.S.- Salimpur, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Arun Manjhi S/O Sudheshwar Manjhi, Resident of village- Karnaiti, P.S.-
Bakhtiyarpur, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kaushal Kishor
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 23-03-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 01.09.2022 passed by learned Additional Sessions Judge-1st-cum-Special Judge (SC/ST Act), Khagaria, whereby the prayer for bail of the appellant in connection with Khagaria (Muffasil) P.S. Case No. 106 of 2021 under Sections 302 and 379 of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act was rejected.

As per prosecution case, it is alleged that some unknown criminals has hired the vehicle and killed the son of the informant by throttling and looted the vehicle.



It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He submitted that the name of the appellant has come into light only on the basis of confessional statement of co-accused namely Aabid Hussain @ Ekhlak. There is no incriminating article has been recovered from the possession of the appellant to show that the appellant has committed the offence or any hand in the alleged crime. 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 him. The appellant has no intention to disgrace the image of the informant in public view. Learned counsel for the appellant further submits that the other co-accused has already been granted bail by a Co-ordinate Bench vide order dated 13.10.2022 passed in Cr. Appeal (SJ) No. 2112 of 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, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 01.09.2022 arising out of Khagaria (Muffasil) P.S. Case No. 106 of 2021 is hereby set aside.



The appellant is directed to be enlarged on bail in connection with Khagaria (Muffasil) P.S. Case No. 106 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 Sessions Judge-1st-cum-Special Judge (SC/ST Act), Khagaria.

(Sunil Kumar Panwar, J)

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