

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4099 of 2022**

Arising Out of PS. Case No.-14 Year-2022 Thana- THAWE District- Gopalganj

Vishal Upadhayay Son Of Ptabhunath Upadhaya R/O Village-
Ramchandrapur, P.S.- Thawey, District- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Chand Jyoti Devi Wife Of Bhukhal Mushhar R/O Village- Math Goutam,
P.S.- Thawe, District- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandan Kumar Kashyap
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

5 11-05-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated 01.09.2022 passed by learned Additional Sessions Judge-III-cum-Special Judge, SC/ST, Gopalganj in connection with Thawe P.S. Case No. 14 of 2022 instituted for the offences punishable under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s), 3(2)(v)a of the SC & ST (Prevention of Atrocities) Act whereby his prayer for being released on bail has been rejected.



It is a case of opening fire due to which brother-in-law (*Bhaisur*) of the informant namely Sukhal Mushar shot dead.

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 the F.I.R and during investigation, on the confession of co-accused Sumit Kumar Singh @ Sri Ram Singh, he was made accused in the present case. There is no consistent material against the appellant to connect him in the crime. The appellant is in custody since 25.04.2022.

Learned counsel appearing on behalf of the informant and learned Special P.P for the State have vehemently opposed the prayer for bail of the appellant and submitted that name of the appellant transpired on the confessional statement of the co-accused.

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, Gopalganj in connection with Thawe P.S. Case No. 14 of 2022.

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 Thawe P.S. Case No. 14 of 2022.

(Sunil Kumar Panwar, J)

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