

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4251 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- DHIBRA District- Aurangabad

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1. Birwal Singh @ Puranjan Singh @ Puranjay S/O Binod Singh R/V- Khaira, P.S.- Dhibra, District- Aurangabad
 2. Bimlesh Kumar Singh @ Bimlesh Kumar S/O Birendra Singh R/V- Khaira, P.S.- Dhibra, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Gita Devi W/O Late Santosh Bhuiyan R/V- Khaira, P.S.- Dhibra, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramendra Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 20-07-2023 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated 21.10.2022 passed by learned 1st Additional District & Sessions Judge, SC/ST, Aurangabad in connection with Dhibara P.S. Case No. 39 of 2022 instituted for the offences punishable under Sections 302/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(v) of the SC/ST (POA) Act whereby their prayer for being released on bail has been rejected.



It is alleged against the appellants and other F.I.R named accused person that they threw the husband of the informant from the bridge, as a result of which, he sustained injuries on his neck and head and succumbed to the injuries during treatment.

It is submitted by learned counsel for the appellants that appellants are innocent and they have falsely been implicated in this case. The deceased was in drunken condition and could not control himself and accidentally slipped into the bridge and received neck and head injuries. There is no eye witness to the occurrence. During investigation, no independent witness has come forward in support of the prosecution. Moreover, good sense has prevailed between the parties and they have compromised the matter. The appellants are in custody since 15.09.2022. A statement has been made in para 3 of the petition that appellants have clean antecedents.

Learned counsel appearing on behalf of the



informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellants. Though, counsel for the informant has asserted that both sides have compromised the matter.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 21.10.2022.

Accordingly, this appeal is allowed.

The appellants, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, SC/ST, Aurangabad in connection with Dhibara P.S. Case No. 39 of 2022.

(Sunil Kumar Panwar, J)

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