

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4159 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- NAYAGAON District- Begusarai

Kanhaiya Kumar @ Kanhaiya Kumar Singh Son Of Sant Kumar Singh @
Sant Kumar R/O Village- Sonapur Bharath, P.S.- Nayagaon, District-
Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Braj Bhushan Poddar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 13-04-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
21.10.2022 passed by learned Exclusive Special Judge
(SC/ST Act), Begusarai in connection with Nayagaon
P.S. Case No. 32 of 2022 instituted for the offences
punishable under Section 307/34 of the Indian Penal
Code, Section 3(2)(V-A) of the SC/ST Act and 27 of
Arms Act whereby his prayer for being released on bail
has been rejected.

It is alleged by the informant that three



unknown miscreants shot at the brother of the informant, who was the mukhiya of Safapur Panchayat.

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 F.I.R. There is no specific allegation against the appellant and no eye witness of the occurrence. During the investigation, the appellant was dragged in the present case mainly on the basis of the confessional statement of co-accused. Moreover, the co-accused person has been granted bail by a co-ordinate Bench of this Court vide order dated 06.04.2023 in Cr. App. No. 4277 of 2022. The appellant is in custody since 17.06.2022.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

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



21.10.2022 passed by learned Exclusive Special Judge
(SC/ST Act), Begusarai in connection with Nayagaon
P.S. Case No. 32 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 Exclusive Special Judge
(SC/ST Act), Begusarai in connection with Nayagaon
P.S. Case No. 32 of 2022.

(Sunil Kumar Panwar, J)

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