

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4307 of 2022

Arising Out of PS. Case No.-461 Year-2022 Thana- AMARPUR District- Banka

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Sargun Das S/O Late Ramshahi Das Resident Of Village- Manma, P.S.-
Amarpur, District- Banka.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Yogendra Narayan Das Son of Late Mukti Das R/o vill- Mainma, P.S.-
Amarpur, Dist-Banka.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Amrendra Kumar Jha
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 20-07-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated

13.10.2022 passed by learned Additional Sessions
Judge-I, Banka in connection with Amarpur P.S. Case
No. 461 of 2022 instituted for the offences punishable
under Sections 147, 148, 149, 341, 342, 323, 302, 504
of the Indian Penal Code, Section 27 of the Arms Act
and Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act
whereby his prayer for being released on bail has been
rejected.



The prosecution case as per F.I.R is that on 18.08.2022 at about 5:00 P.M, some persons of the village brought the son of the informant from his house to see Vishahari fair and took him towards Parnathpur. As soon as the informant came to know about this, he along with others came reached at the place of occurrence and found that all the accused persons named in the F.I.R are assaulting his son and on the order of Bishun Yadav, co-accused Pintu Yadav shot at his son. All the accused persons picked up a stone and slammed it on his injured son, due to which, he died.

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 only member of the unlawful assembly and the specific accusation of shot fire at the deceased is against Pintu Yadav. Nothing has been recovered from the conscious possession of the appellant. The appellant is in custody since 20.08.2022. A statement has been made in para 3



of the petition that appellant has clean antecedent.

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 dated 13.10.2022.

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-I, Banka in connection with Amarpur P.S. Case No. 461 of 2022.

(Sunil Kumar Panwar, J)

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