

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4431 of 2022

Arising Out of PS. Case No.-389 Year-2020 Thana- PURNEA SADAR District- Purnia

Md. Aftab @ Afakia @ Aftab Khan Son Of Late Mustafa Khan Resident Of
Village - Hansda Road Gulabbagh, P.S.- Sadar, District - Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Damani Devi Wife of Late Raju Paswan Resident of village - Imali Tola
Gulabbagh Ward No.- 37, P.S.- Sadar, District - Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Prawesh Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-07-2023 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 01.12.2022 passed by
learned Special Judge, SC/ST Act, Purnea in Special
SC/ST Case No. 25 of 2022 whereby the prayer for bail
of the appellant in connection with Sadar P.S. Case no.
389 of 2020 under Section 365, 364, 302, 201 and 34
of the Indian Penal Code and Sections 3(2), (v) of



SC/ST Act were rejected.

As per prosecution, informant who is the wife of the deceased has alleged that her husband went from his house but did not return. It is further alleged that few days ago, co-accused Sundar Lal Uraon called on mobile of her husband and threatened to kill him.

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 and only on the basis of confessional statement of co-accused Chhotu Ram, the petitioner has been roped in the present case. The appellant was not apprehended from the spot. Nothing incriminating article has been recovered from the conscious possession of the appellant. There is no eye witness to the occurrence. During investigation also, no consistent material evidence has been collected to connect the appellant with the present case. The appellant is in custody since 25.08.2022. Moreover, similarly situated other co-



accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 28.02.2023 in Cr. Appeal(SJ) No. 3571 of 2022.

In contra, learned Special P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 01.12.2022 passed in Special SC/ST Case No. 25 of 2022 is hereby set aside.

Accordingly, the appeal stands allowed.

The appellant, above named, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Purnea in connection with Sadar P.S. Case



No. 389 of 2020, arising out of Special SC/ST Case No.
25 of 2022.

(Sunil Kumar Panwar, J)

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