

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.163 of 2023

Arising Out of PS. Case No.-164 Year-2022 Thana- DESARI District- Vaishali

RAJAN SAHNI S/O JAI MANGAL SAHNI Resident of village- Chandpura Nankar, P.S.- Desari, District- Vaishali (Hajipur).

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MUKESH PASWAN S/O MADAN PASWAN Resident of village- Chandpura Nankar, P.S.- Desari (Chandpura O.P.), District- Vaishali (Hajipur).

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 03-11-2023 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 13.06.2022 passed by learned Special Judge SC/ST, Vaishali at Hajipur whereby the prayer for bail of the appellant in connection with Desari (Chandpura O.P.) P.S. Case no. 164 of 2022 under Sections 302/34, 201 of the Indian Penal Code and sections 3(2)(v) of SC/ST Act was rejected.

3. It is a case of commission of murder of the informant's brother namely, Rakesh Paswan by the accused



persons by pressing the neck.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case. The appellant is not named in the F.I.R. and his name came in this case during investigation on the basis of confessional statement of F.I.R. named co-accused Magra Sahni. There is no any specific allegation against the appellant. No one is the eye witness of the alleged occurrence. Except the confessional statement of co-accused no consistent evidence has come against the appellant which shows his complicity in the alleged occurrence. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no criminal antecedent and he is languishing in judicial custody since 29.05.2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

6. 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 13.06.2022 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Desari (Chandpura O.P.) P.S. Case No. 164 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

lata/-

U		T	
---	--	---	--

