

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.31 of 2023

Arising Out of PS. Case No.-17 Year-2021 Thana- BARHARA KOTHI District- Purnia

Sanjay Hambram @ Sanjay Murmur Son Of Late Jaitha Hembram R/V-
Uditgram Sirsiya Sautari, P.S- Barhara (Raghuvanshnagar O.P) Dist- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Lutan Devi Wife of Late. Mantu Ram Resident of Hanuman Nagar Ward no 10, P.S- Barhara (Raghuvanshnagar O.P) Dist- Purnea

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 03-08-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated 15.11.2022 passed by learned Additional Sessions Judge, 1st, Purnea in connection with Barhara P.S. Case No. 17 of 2021 instituted for the offences punishable under Sections 364, 302, 201, 120(B), 34 of the Indian Penal Code and Sections 3(2)(va) of the SC/ST Act whereby his prayer for being released on bail has been rejected.



It is a case of commission of murder of the husband of the informant.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is no eye witness to the occurrence and the appellant has been made accused in this case only on the basis of suspicion. During investigation, no material evidence has come against the petitioner to connect him in the present offence. The appellant has been granted anticipatory bail after considering the merits of the case by a coordinate Bench of this Court vide order dated 12.04.2023 passed in Cr. Appeal (SJ) No. 1559 of 2022 but during the pendency of the appeal, the appellant has been arrested. The appellant is in custody since 10.09.2022. 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 15.11.2022.

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 1st Additional Sessions Judge, Purnea in connection with Barhara P.S. Case No. 17 of 2021.

(Sunil Kumar Panwar, J)

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