

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4207 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- KORHA District- Katihar

Twinkale Kumar Das @ Krish Vector @ Kish Vickar @ Twinkle Kumar Das
Son Of Binod Das @ Vinod Ravidas Village- Bank Tola, Morsanda, Ps-
Falka, Dist- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Kumar Son Of Late Raj Kumar Das Village- Faridpur, Das Tola, Ps-
Jamalpur, Dist- Munger

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 1357 of 2024

Arising Out of PS. Case No.-49 Year-2023 Thana- KORHA District- Katihar

Arvind Kumar @ Virat Yadav @ Digga @ Digga Yadav Son of Late Arun
Yadav @ Arun Prasad Yadav Resident of Village- Baghmara, P.S.- K. Nagar,
District- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Kumar Son of Late Raj Kumar Das Resident of Village- Faridpur Das
Tola, P.S.- Jamalpur, Dist.- Munger, Bihar

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 4207 of 2023)
For the Appellant/s : Mr.Raghvendra Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan
(In CRIMINAL APPEAL (SJ) No. 1357 of 2024)
For the Appellant/s : Mr.Bijendra Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 14-05-2024 Heard learned counsel for the appellants and learned

Special Public Prosecutor for the State.

The instant appeals have been filed by the appellants



against the order dated 17.08.2023 and 20.01.2024 passed by learned Additional Sessions Judge I cum Special Judge, SC/ST, Katihar whereby the prayer for bail of the appellants in connection with Korha P.S. Case No. 49 of 2023 under Sections 302, 120(B) and 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2) (v) (va) of SC/ST Act was rejected.

Prosecution case in short, is that, the informant's daughter who was posted as a constable at Katihar, complained him that some of the accused persons including the appellants had been harassing her to marry and threatened her to kill, if she would not marry. Co-accused Mohammad Hasan used to call the informant's daughter and other family members on phone with different numbers. He also threatened them to kill. On 08.02.2023, when the informant's daughter was coming to Katihar, the appellants along with other co-accused persons en route got her alighted near Batwara village and killed her by firing bullets. Informant raised suspicion against all the accused persons including the appellants that they killed her daughter by hatching conspiracy.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. Appellant, namely, Twinkale Kumar is not named in FIR rather



his name has come during the course of investigation. It is said that arms have been recovered from the possession of the appellant, Twinkale Kumar but the same has been denied by him. No any specific overt act of firing has been made against the appellants rather the specific allegation of firing upon the informant's daughter is against co-accused, namely, Mohammad Hasan. No any consistent material has come against the appellants in respect of firing. They have not taken the caste name of the informant's daughter in public view. No offence is made out under the provisions of the SC/ST Act against them. A statement has been made in para-3 of both the petitions that the appellants have got no criminal antecedent. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 11.01.2024 in Cr. APP(SJ) No. 3166 of 2023. Moreover, the appellants are languishing in judicial custody since 14.02.2023 and 18.02.2023 respectively.

The bail of the appellants is opposed by learned Spl. P.P. for the State and further submitted that appellants were present at the place of occurrence and they were involved in the alleged offence.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus



allegation against the appellants, the Court is inclined to allow the appeals. Accordingly, the appeals are allowed and the impugned order dated 17.08.2023 and 20.01.2024 are hereby set aside.

The appellants are directed to be enlarged on bail **after framing of charge if the charge is not framed** in connection with Korha P.S. Case No. 49 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each of them with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I cum Special Judge, SC/ST, Katihar.

(Sunil Kumar Panwar, J)

Shubham/-

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

