

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2251 of 2023

Arising Out of PS. Case No.-301 Year-2022 Thana- MADHUBAN District- East Champaran

KAMESHWAR SINGH S/O LATE SHYAMNANDAN SINGH @
SHYAMNARAYAN SINGH R/O Village- Kauriya, P.S- Madhuban, Distt.-
East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Gayatri Devi W/O Sri Paswan R/O Village- Kauriya, P.S- Madhuban, Distt.-
East Champaran.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

8 04-01-2024 Though notice has been issued to O.P. No. 2, no one
has turned to assist the Court.

Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant
against the order dated 5.4.2023 passed by learned Special
Judge, SC/ST (POA) Act, East Champaran at Motihari, whereby
the prayer for bail of the appellant in connection with Madhuban
P.S. Case No. 301 of 2022 under Sections 341, 323, 324, 447,
448, 302, 504, 506/34 of the Indian Penal Code and sections
3(2)(va) of SC/ST Act was rejected.

As per allegation in the FIR, while son of the



informant, namely Ranjay Kumar was brushing, accused Niraj Singh, Navin Singh and appellant Kameshwar Singh came there and forcing him to compromise SC/ST Case No. 105 of 2013, lodged by his maternal aunt and threatened him of dire consequences. It is further alleged that Niraj Singh by means of dab, Navin Singh by means of fasuli and appellant has assaulted him by means of knife due to which he succumbed to injuries.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous enmity. During course of investigation, statement of independent witness, namely, Ramadhar Singh was recorded in para 42 of the case diary, in which it has come that co-accused Navin Singh has assaulted on the neck of the deceased by means of fasuli. He further stated that appellant has not participated in the alleged occurrence. As per postmortem report, only one chop wound was present on the neck of the deceased caused by sharp weapon. No offence is made out under the provisions of the SC/ST Act against them. Petitioner is an old man of 72 years with various ailments. He has got no criminal antecedent and languishing in judicial custody since 5.4.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State.



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 5.4.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Madhuban P.S. Case No. 301 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 (POA) Act, East Champaran at Motihari.

(Sunil Kumar Panwar, J)

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