

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2362 of 2023**

Arising Out of PS. Case No.-129 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

Hareram Yadav @ Hareram Prasad Yadav Son Of Late Birendra Yadav
Resident Of Village-Molnapur, P.S.-Siwan Muffasil, District-Siwan

... .. Appellant/s

Versus

1. The State Of Bihar
2. Dimple Devi Wife Of Late Sanjay Manjhi Resident Of Village-Molanapur,
P.S.-Siwan Muffasil, District-Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Javed Aslam

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 08-02-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 22.03.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan whereby the prayer for bail of the appellant in connection with Siwan Muffasil P.S. Case No. 129 of 2020 under Sections 302, 120B/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v)(a) of the SC/ST Act was rejected.

3. The allegation against the appellant along with others is of killing the husband of the informant under conspiracy.



4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Informant is not the eye-witness of the occurrence and in the dark night, it is not possible to identify anyone in sleeping condition and no source of identification has been disclosed as to how the informant identified this appellant among the accused persons fleeing from the place of occurrence. There is no specific overt act against the appellant. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant in public view. He further submitted that the other co-accused has already been granted bail by a Co-ordinate Bench vide order dated 12.07.2021 passed in Cr. APP (SJ) No. 2576 of 2021. He is languishing in judicial custody since 21.12.2022.

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

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 22.03.2022 arising out of Siwan Muffasil P.S. Case No. 129 of 2020 is hereby set aside.

7. The appellant is directed to be enlarged on bail in



connection with Siwan Muffasil P.S. Case No. 129 of 2020 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 1st Additional District and Sessions Judge, Siwan/
Court concerned.

(Sunil Kumar Panwar, J)

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