

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2682 of 2023**

Arising Out of PS. Case No.-121 Year-2022 Thana- PIRPAINTI District- Bhagalpur

Purushottam Kumar @ Purushottam Kunwar S/O Bhagwan Kunwar @
Bhagwan Kumar R/O Village- Anadipur, Ps. Kahalgawn, Dist. Bhagalpur

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

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

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

6 11-01-2024 Though notice has been issued to O.P. No. 2, no one
has turned to assist the Court.

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

3. The instant appeal has been filed by the appellant
against the order dated 2.3.2023 passed by learned 3rd Additional
Sessions Judge-cum-Spl. Judge (SC/ST Act) Bhagalpur whereby
the prayer for bail of the appellant in connection with Pirpaity
P.S. Case no. 121 of 2022 under Sections 302/201/328 of the
Indian Penal Code and sections 3(2)(V) of SC/ST Act was
rejected.

4. As per allegation in the FIR, son of the appellant
was engaged as khalasi in a truck of which appellant was driver.
It is alleged that appellant has assaulted to the son of the



informant on his head and he died. It is further alleged that appellant had provided the information to the informant on phone that his son is hospitalized due to electrocution.

5. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Prosecution case is not in consonance with the postmortem report. No external injury was found on the body of deceased and visera was preserved. From perusal of Visera report, Aluminium Phosphide was detected, which is a highly poisonous substance. It is further submitted that appellant has not administered poison to the son of the informant. During investigation, no consistent evidence has come against the appellant to show his involvement in the present case. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent and languishing in judicial custody since 28.09.2022.

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

7. 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 2.3.2023 is hereby set aside.

8. The appellant is directed to be enlarged on bail in connection with Pirpaity P.S. Case No. 121 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 learnedCJM, Bhagalpur.

(Sunil Kumar Panwar, J)

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