

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2963 of 2023

Arising Out of PS. Case No.-106 Year-2021 Thana- KHAGARIA District- Khagaria

Md Aslam S/O Mahmood Alam R/O Village- Sabnima, Ps. Athamalgola, Dist. Patna

... .. Appellant/s

Versus

1. The State Of Bihar
2. Arun Manjhi S/O Sudheshwar Manjhi R/O Village- Karnaiti, Ps. Bakhtiyarpur, Dist. Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kaushal Kishor
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 04-01-2024 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 17.2.2023 passed by learned 1st Additional Sessions Judge-Cum-Special Judge SC/ST Act, Khagaria whereby the prayer for bail of the appellant in connection with Suppl. Khagaria Muffasil P.S. Case no. 106 of 2021 under Sections 302, 379 of the Indian Penal Code and sections 3(2)(V) of SC/ST Act was rejected.

3. According to FIR, it is alleged that some unknown miscreants killed the son of the informant by throttling and also looted his vehicle.

4. It is submitted by learned counsel for the appellant



that appellant has been falsely implicated in this case. He is not named in the FIR. His name was transpired in this case on the basis of confessional statement of co-accused Abid Hussain @Ekhlak which has got no evidentiary value in the eye of law. No any consistent evidence has come against the appellant during course of investigation. No offence is made out under the provisions of the SC/ST Act against him. He is languishing in judicial custody since 29.7.2022. Moreover, similarly situated co-accused namely, Md. Samir has already been granted bail by this Court vide order dt. 23.3.2023 passed in Cr. Appeal (SJ) No. 4034 of 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 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 17.2.2023 passed in Suppl. Khagaria Muffasil P.S. Case no. 106 of 2021 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Suppl. Khagaria Muffasil P.S. Case no. 106 of 2021 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 Sessions Judge-Cum-Special Judge SC/ST Act, Khagaria.

(Sunil Kumar Panwar, J)

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