

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 3058 of 2024

Arising Out of PS. Case No.-318 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

1. Sonu Kumar Son of Kishori Rai R/O Vill.- Gamhari, Bathani Tola, P.S.- Baikunthpur, Dist.- Gopalganj, Under the Guardianship of their Uncle namely Khobari Ray
2. Rahul Kumar Son of Kishori Rai R/O Vill.- Gamhari, Bathani Tola, P.S.- Baikunthpur, Dist.- Gopalganj, Under the Guardianship of their Uncle namely Khobari Ray

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Javed Aslam

For the Respondent/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL ORDER

3 18-09-2024

This appeal has been preferred by the appellants being aggrieved with the order dated 06.05.2024 passed by the learned Additional Sessions Judge I -cum- Special Judge, Juvenile Act, Gopalganj in JE Case No 137 of 2023/Special Case No 1 of 2024 whereby the learned Special Judge rejected the prayer for bail of the appellants.

2 According to the case of the prosecution, the informant Meera Kumari lodged the FIR in the concerned Police Station alleging therein that on 04.11.2021 at about 6 pm, she along with her mother-in-law, namely, Champa Devi was lighting lamp on the occasion of Diwali festival. In the



meanwhile, the present appellants and other co-accused persons came there and started assaulting Champa Devi by fists, slaps and bits due to which Champa Devi sustained injuries on her body and resultantly she died on the spot. The FIR was registered for the offence punishable under Sections 302/34 of the IPC against the appellants and the other co-accused persons and during the course of the investigation, the appellants surrendered before the Court below on 11.09.2023.

3 Learned counsel for the appellants would submit that the appellants are innocent and have been falsely implicated in this case. According to the counsel, as per the written report, the alleged incident took place suddenly. Therefore, there was no intention on the part of the appellants to commit murder of the deceased and there is also no specific allegation against these appellants. He further submits that co-accused Sukhlal Rai, Kishori Rai, Sunita Devi and Suganti Devi @ Kanti Devi have already been granted regular bail by this Court and one co-accused Rima Devi has been granted bail by the learned Court below itself. He further submits that Social Investigation Report also does not disclose any specific allegation against the appellants. The appellants are in custody since 11.09.2023. Therefore, they may be granted the privilege of bail.



4 Learned State Counsel opposes the argument raised by the learned counsel for the appellants.

5 Heard. Perused the FIR.

6 Perusal of the FIR clearly shows that general allegations have been made against both the appellants along with other co-accused persons.

7 Considering the fact that some of the co-accused persons have already been granted the privilege of bail and further considering the fact that both the appellants are in custody since 11.09.2023 and Social Investigation Report does not suggest anything against the appellants, the appellants are granted the privilege of bail.

8 Accordingly, this appeal is allowed.

9 Let the appellants above named be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I -cum- Special Judge, Juvenile Act, Gopalganj in JE Case No 137 of 2023/Special Case No 1 of 2024 arising out of Baikunthpur PS Case No 318 of 2021 subject to the following conditions:

(i) That one of the bailors should be the uncle of the appellants, and

(ii) That the uncle of the appellants



shall file an affidavit before the concerned Court below, giving specific undertaking that after release of the appellants on bail, he will take proper care of the appellants and will not allow them to fall into bad company.

(Arvind Singh Chandel, J)

M.E.H./-

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

