

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3166 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- KORHA District- Katihar

MD. IMRAN @ MONU Son of Saydan Resident of village - Morsanda, P.S. -
Falka, Distt. - Katihar

... .. Appellant/s

Versus

1. The state of bihar
2. Manoj Kumar Late Raj Kumar Das Resident of Village-Faridpur Das Tola,
P.S.-Jamalpur, District-Munger

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 11-01-2024 Heard learned counsel for the appellant, informant
and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 17.06.2023 passed by learned A.D.J.-I-cum-Special Judge (SC/ST Act), Katihar, whereby the prayer for bail of the appellant in connection with Korha P.S. Case No. 49 of 2023 under Sections 302, 120B/34 of the Indian Penal Code, Sections 3(2)(va) of the SC/ST Act and Section 27 of the Arms Act was rejected.

3. The allegation against the appellant along with others is of killing the daughter of the informant.

4. It is submitted by learned counsel for the appellant



that appellant has been falsely implicated in this case. There is general and omnibus allegation against the appellant and no specific overt act against him. Except suspicion, there is no consistent evidence and no eye-witness of the alleged occurrence to show his complicity. No incriminating article has been recovered from the conscious possession of the appellant. He has not taken the caste name of the informant in public view. 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 is languishing in judicial custody since 14.02.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State, learned counsel for the informant and submitted that appellant is named in the FIR and he was present at the place of occurrence.

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 17.06.2023 arising out of Korha P.S. Case No. 49 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Korha P.S. Case No. 49 of 2023 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 Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Katihar.

(Sunil Kumar Panwar, J)

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