

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3157 of 2023**

Arising Out of PS. Case No.-25 Year-2023 Thana- PURNAHYA District- Sheohar

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1. Suresh Das Son of Batahu Das Resident of Village - Khairapahari, P.S.- Purnahiya, District - Sheohar
  2. Radheshyam Das Son of Suresh Das Resident of Village - Khairapahari, P.S.- Purnahiya, District - Sheohar

... .. Appellant/s

Versus

1. The State of Bihar
2. Sonafi Paswan Late Faujdar Paswan Resident of Village-Khairapahari, P.S.- Purnahiya, District-Sheohar,

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Sanjay Kumar  
For the Respondent/s : Mrs. Usha Kumari 1

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

7      25-06-2024                      Heard learned counsel for the appellants, learned  
Special Public Prosecutor for the State.

2. Though notice has validly been served upon the  
O.P. No. 2, but nobody appears on his behalf.

3. The instant appeal has been filed by the appellants  
against the order dated 2.6.2023 passed by learned A.D.J.-I-  
cum-Special Judge SC/ST Act, Sheohar in ABP No. 113 of 2023  
whereby the prayer for bail of the appellants in connection with  
Purnahiya P.S. Case no. 25 of 2023 under Section 302, 201/34  
of the Indian Penal Code and sections 302, 201/34 of the IPC  
and Section 3(2) (V) of the SC/ST Act was rejected.



4. It is a case of commission of murder to the informant's son by 4-5 accused persons. Allegedly, deceased had taken Rs. 50/- from her mother for eating Samosa but he did not return and his phone was also getting off. During search, on next day, his dead body was recovered.

5. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. No one is the eye witness to the alleged occurrence. Their name has been transpired in the present case merely on suspicion. No offence is made out under the provisions of the SC/ST Act against him. They have got no criminal antecedent. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 14.12.2023 passed in Cr. Misc. No. 2485 of 2023.

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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 2.6.2023 passed in A.B.P. No. 113 of



2923 is hereby set aside.

The appellants are directed to be enlarged on bail in the event of their arrest or surrender before the learned Court below within a period of six weeks from today in connection with Purnahiya P.S. Case No. 25 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 ADJ-I-cum-Special Judge SC/ST Act, Sheohar, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

sushma/-

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