

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3808 of 2023**

Arising Out of PS. Case No.-176 Year-2017 Thana- LAKHISARAI District- Lakhisarai

Sudama Prasad Son Of Late Narayan Mahto Resident Of Village - Murarpur,
P.S. - Korma, District - Sheikhpura

... .. Appellant/s

Versus

1. The State Of Bihar
2. Raghu Nandan Paswan Son Of Late Baiju Paswan Resident Of Nabiniagar
Majhbe, P.S. And District - Jamui

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh
For the Respondent/s : Mr.Binay Krishna

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

5 01-02-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 24.07.2017 passed by learned Additional District and Sessions Judge cum Special Judge SC/ST Act, Lakhisarai whereby the prayer for bail of the appellant in connection with Lakhisarai (Kabaiya) P.S. Case no. 176 of 2017 under Sections 406, 302, 201 and 120B of the Indian Penal Code and sections 3/4 of SC/ST Act was rejected. Later on, charge sheet has been submitted under Sections 364, 120B and 34 of the IPC

3. As per complaint case, it is a case of commission



of murder of the complainant's son who had gone with the accused persons for the purpose of work.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case merely on suspicion. The appellant is not named in FIR rather his name came into light in this case during the course of investigation. 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. No one is the eye witness of the alleged occurrence and also nothing consistent material has come against the appellant in respect of commission of murder of the complainant's son. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 04.01.2024 in Cr. APP(SJ) No. 2974 of 2023. Moreover, the appellant is languishing in judicial custody since 11.03.2023.

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 24.07.2017 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Lakhisarai (Kabaiya) P.S. Case No. 176 of 2017 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 District and Sessions Judge cum Special Judge SC/ST Act, Lakhisarai.

(Sunil Kumar Panwar, J)

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