

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3964 of 2023

Arising Out of PS. Case No.-714 Year-2022 Thana- KAHALGAON District- Bhagalpur

Sanjay Goswami Son Of Deo Narayan Goswami Resident Of Village -
Bishanpur, P.S. - Kahalgaon (Shivnarayanpur), District - Bhagalpur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ram Kumar Paswan Son Of Late Darbari Paswan Resident Of Village -
Bishanpur, Ward No.7, P.S. - Shivnarayanpur, District - Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ambrish Kumar Jha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-01-2024 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 27.06.2023 passed by learned 3rd Additional Sessions Judge-cum-SC/ST Special Court, Bhagalpur whereby the prayer for bail of the appellant in connection with Kahalgaon (Shivnarayanpur) P.S. Case no. 714 of 2022 under Sections 302, 201 and 120B of the Indian Penal Code and Section 3(2)(v) of SC/ST Act was rejected.

3. It is a case of commission of murder of the informant's son namely Durga Paswan by the accused persons including the appellant.



4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case due to dirty village politics. The F.I.R. has been lodged after the delay of three days from the occurrence. No one is the eye witness of the alleged occurrence. There is no specific allegation of murder has been made against the appellant in the F.I.R. It is further submitted that alleged confession by the appellant before the police is not admissible in the eye of law. 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. Moreover, the appellant is languishing in judicial custody since 27.04.2023.

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 27.06.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Kahalgaon (Shivnarayanpur) P.S. Case no.



714 of 2022 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 court of Special Judge (SC/ST Act)-cum- 3rd Additional Sessions Judge, Bhagalpur.

(Sunil Kumar Panwar, J)

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