

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4172 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- GORIAKOTHI District- Siwan

Mannu Alam @ Tabrej Alam S/O Munshi Alam @ Mansoor Alam R/O
Village- Sarari Paschim Tola, P.S- Goreakothi, Distt.- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Baban Ram S/o Late Raj Kumar Ram, R/o Village- Sarai Paschim
Tola, P.S. Goreakothi, District-Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Pandey
For the Respondent/s	:	Mr.Sadanand Paswan
For the Informant	:	Mr. Adarsh Ranjan Mr. Pritish Ranjan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-01-2024 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public
Prosecutor for the State.

2. The instant appeal has been filed by the appellant
against the order dated 18.08.2023 passed by learned
Additional Session Judge-I-cum-Special Judge, Siwan
whereby the prayer for bail of the appellant in connection
with Goreakothi P.S. Case no. 207 of 2023 under Sections
302, 120(B) and 34 of the Indian Penal Code, Section 27 of
the Arms Act 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 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. As per F.I.R., only the allegation against the appellant is that he acted as a liner of the alleged occurrence and except this nothing against the appellant. The specific allegation of opening fire is against the other co-accused persons namely, Rju Dubey, Jitu Mishra and Pappu Kumar. 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 got no criminal antecedent and languishing in judicial custody since 22.07.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

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 18.08.2023 is hereby set aside.



7.The appellant is directed to be enlarged on bail in connection with Goreakothi P.S. Case No. 207 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, Siwan.

(Sunil Kumar Panwar, J)

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