

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4311 of 2023

Arising Out of PS. Case No.-262 Year-2023 Thana- MADHAURAH District- Saran

Manager Rai Son Of Late Bhawani Rai Village- Rampur Ps- Marhowrah
Gaura Op Dist- Saran At Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramavati Devi wife of Prabhu Ram Village- Rampur Ps- Madhaura Gaura
OP Dist- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Udai Shankar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 11-01-2024 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the orders dated
01.07.2023 and 09.08.2023 passed by learned 3rd
Additional Sessions Judge-cum-I/C, SC/ST, Special
Court, Saran at Chapra in connection with Marhowrah
P.S. Case No. 262 of 2023 instituted for the offences
punishable under Sections 302/34 of the Indian Penal
Code and Sections 3(2)(v) of the SC/ST Act whereby his
prayer for being released on bail has been rejected.

It is a case of commission of murder of the son



of the informant by all the F.I.R named accused persons including the appellant.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant. The informant is not the eye witness to the occurrence. During the course of investigation, the police submitted final form, exonerating the appellant. The appellant is in custody since 18.05.2023. A statement has been made in para 3 of the petition that appellant has clean antecedent.

In contra, learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the orders dated 01.07.2023 and 09.08.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be



released on bail on furnishing bail bonds of Rs. 10,000/-
(ten thousand) with two sureties of the like amount each
to the satisfaction of learned 3rd Additional Sessions
Judge-cum-Special Judge, SC/ST, Special Court, Saran
at Chapra in connection with Marhowrah P.S. Case No.
262 of 2023.

(Sunil Kumar Panwar, J)

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