

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4378 of 2023

Arising Out of PS. Case No.-135 Year-2023 Thana- KESARIA District- East Champaran

Vikash Kumar Son Of Mayashankar Bhagat Resident Of Village -
Raghunathpur, P.S. - Kesariya, District - East Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Pramod Paswan Son Of Late Manu Paswan Resident Of Village -
Raghunathpur, P.S. - Kesariya, District - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhishek Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-01-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned

counsel for the informant.

The instant appeal has been filed by the

appellant against the order dated 23.08.2023 passed by

learned Special Judge, SC/ST East Champaran, Motihari

whereby the prayer for bail of the appellant in

connection with Kesariya P.S. Case no. 135 of 2023

under Sections 302, 120B and 34 of the Indian Penal

Code and sections 3(2) (V) of SC/ST Act was rejected.

Prosecution case in short, is that the appellant



along with one co-accused person came at the house of the informant and they took away the informant's son. After that informant's son did not come back home. On next morning, dead body of the informant's son was found on the road near village.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous village politics. 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 allegation against the appellant is that he only took away the informant's son and except that nothing consistent material has come against the appellant in commission of this offence. No incriminating article has been recovered in respect of commission of murder of the informant's son. Admittedly the informant is not the eye witness to the occurrence. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Moreover, he



is languishing in judicial custody since 15.03.2023.

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

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 23.08.2023 passed in Kesariya P.S. Case No. 135 of 2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Kesariya P.S. Case No. 135 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 Special Judge, SC/ST East Champaran, Motihari.

(Sunil Kumar Panwar, J)

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