

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4550 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- SAUR BAZAR District- Saharsa

1. Bijendra Sharma @ Vijendra Sharma Son Of Sahdeo Sharma Resident Of Village - Pama, Ward No.8, Patarghat O.P., P.S. - Saur Bazar, District - Saharsa
2. Surendra Sharma Son Of Dinesh Sharma Resident Of Village - Pama, Ward No.8, Patarghat O.P., P.S. - Saur Bazar, District - Saharsa

... .. Appellant/s

Versus

1. The State Of Bihar
2. Nawal Ram Son Of Bindeshwari Ram Resident Of Village - Pama, Ward No.7, Patarghat O.P., P.S. - Saur Bazar, District - Saharsa

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-01-2024 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated

07.08.2023 passed by learned Additional Sessions

Judge-I-cum-Special Judge, SC/ST Act, Saharsa in

connection with Saur Bazar(Patarghat O.P) P.S. Case

No. 171 of 2023 instituted for the offences punishable

under Sections 302, 147, 148, 149, 341, 323, 307,

354(A), 379, 504, 506 of the Indian Penal Code,



Section 27 of the Arms Act and Sections 3(1)(r)(s), 3(2) (v) of the SC/ST Act whereby their prayer for being released on bail has been rejected.

It is a case of assaulting due to which the informant and other family members of the informant sustained injuries.

It is submitted by learned counsel for the appellants that appellants are innocent and they have falsely been implicated in this case. There is no specific allegation against the appellants. And in the background of some land dispute, the present accusation has been levelled against the appellants. There is counter version of the occurrence also. The postmortem report is also not in consonance with the prosecution version as the cause of death is head injury due to hard and blunt substance. The appellants are in custody since 30.03.2023. A statement has been made in para 3 of the petition that appellants have clean antecedent.

In contra, learned counsel appearing on behalf



of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellants.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 07.08.2023.

Accordingly, this appeal is allowed.

The appellants, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Saharsa in connection with Saur Bazar (Patarghat O.P) P.S. Case No. 171 of 2023.

(Sunil Kumar Panwar, J)

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