

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 4702 of 2023

Arising Out of PS. Case No.-199 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

RAHUL KUMAR MEHTA SON OF LATE GANESH KUMAR MEHTA @
LATE GANESH MEHTA R/O VILLAG- SARSI CHHOTI KADARGANJ,
P..S- SARSI, DISTT.- PURNEA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR PATNA
2. SUJEET PASWAN SON OF LATE SANT LAL PASWAN R/O VILLAGE-
JHARKA BARETHA, P.S.- BARARI, DIST.- KATIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pawan Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-01-2024 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 19.9.2023 passed by learned I Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), Katihar, whereby the prayer for bail of the appellant in connection with Katihar Muffasil P.S. Case no. 199 of 2022 under Section 302 of the Indian Penal Code, section 27 of the Arms Act and sections 3(i)(r)(s) of SC/ST Act was rejected.

3. According to prosecution case, the brother of the informant was shot dead by unknown miscreants and informant found his dead body lying in Sadar Hospital.



4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He is not named in the FIR rather his name has come into light during course of investigation. No one is eye witness of the alleged occurrence. It is also submitted vide para-6 of the petition that during course of trial, altogether four witnesses have been examined including the informant on behalf of prosecution who have not supported the prosecution case. No offence is made out under the provisions of the SC/ST Act against him. Similarly situated co-accused has already been granted bail by this Court vide order dated 09.11.2023 passed in Cr. Appeal SJ. No. 4713 of 2023. It is also submitted that the petitioner is languishing in judicial custody since 06.12.2022.

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

6. Having heard learned counsel for the parties and considering the aforesaid facts and circumstance of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 19.9.2023 passed in Katihar Muffasil P.S. Case no. 199 of 2022 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Katihar Muffasil P.S. Case no. 199 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 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), Katihar.

(Sunil Kumar Panwar, J)

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