

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4898 of 2023

Arising Out of PS. Case No.-181 Year-2022 Thana- DARIYAPUR District- Saran

Munna Kumar Sah @ Munna Sah @ Munna Sao Son Of Ganesh Sao Village-
Kashmar Ps- Sonpur Dist- Saran At Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Nageshwar Ram son of late Ramdas Ram Resident of village-Kasmer, P.S-
Sonpur, District-Saran at chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ram Prakash Kumar
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 08-02-2024 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 04.10.2023 passed by

learned Addl. Sessions Judge III, Saran at Chapra whereby

the prayer for bail of the appellant in connection with

Dariapur P.S. Case no. 181 of 2022 under Sections 302,

120(B)/34 of the Indian Penal Code and sections 3(2V) of

SC/ST Act was rejected.

3. Prosecution case in nutshell is that appellant

called the son of informant, namely, Kanhaya Sao by calling



on his mobile and later informant got knowledge that his son was injured and has sustained stabbing wound. He was sent to hospital. In this course, two unknown bootleggers came and assaulted the informant's son by means of knife and fled away after snatched his goods. In the way to P.M.C.H., informant's son, namely, Kanhaya Kumar died.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case merely on the basis of suspicion. In the course of investigation, it has come in light that appellant had taken the deceased (informant's son) to the police station in injured condition. There is no eye witness of the alleged offence. Charge sheet has not been submitted against the appellant rather it is submitted against two unknown miscreants, who are not named in the F.I.R. Petitioner has not sent up for trial. 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. Moreover, the appellant is languishing in judicial custody since 12.09.2023. A statement has been made in para 3 of the appeal that



appellant has no criminal antecedent.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and they submitted that appellant has called the son of informant before the said offence.

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 04.10.2023.is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Dariapur P.S. Case No. 181 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 Exclusive Special SC/ST (POA) Act ADJ III, Saran, Chapra.

(Sunil Kumar Panwar, J)

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