

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5177 of 2023

Arising Out of PS. Case No.-266 Year-2023 Thana- ADAPUR District- East Champaran

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Sohan Singh Son Of Late Komal Singh Son Of (LATE Kalika Singh Wrongly Stated As In F.I.R.) Resident Of Village- Kanuniya, Police Station- Adapur, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi Wife Of Late Bachha Paswan Resident Of Village- Shyampur, Police Station- Adapur, District- East Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Praveen Kumar, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. P.P. Ms. Shiwani Kumari, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-07-2024 Heard the parties.

2. This appeal has been filed by the appellant against the order dated 16.10.2023 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari whereby the prayer for bail of the appellant in connection with Adapur P.S. Case no. 266 of 2023 under Sections 341, 302, 120B, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(va) of SC/ST Act was rejected.

3. The prosecution story, in brief, is that when the informant along with her son and husband was at the place of



occurrence, three bike-borne persons came there and shot her husband due to which he died on spot. It is further alleged that the appellant along with others used to threaten and abuse the deceased with respect to land dispute.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in this case merely on suspicion. Further submission is that appellant is not the owner of the land in question and no money was paid to the appellant, wherein the deceased had already paid the entire consideration amount and the registry of the land was awaited and the appellant has got no concern with the land in question. During investigation, no tangible evidence has come to show the complicity of this appellant in the alleged occurrence.

5. Learned counsel for the Respondent No. 2 opposed the prayer for bail.

6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, SC/ST Act, East Champaran, Motihari in connection with A.B.P. No. 4874 of 2023 arising out of Adapur P.S. Case no. 266 of 2023.



7. Accordingly, the impugned order dated 16.10.2023 is
set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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