

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5314 of 2023

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

Chitranjan Sharma S/O Lalan Sharma R/O Kachurbari, P.S. Harpur
(ADAPUR) District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi W/O Late Bachcha Paswan R/O Shyampur, P.S.- Adapur,
District- East Champarn

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prerna Rishi

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-02-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant.

2. The instant appeal has been filed by the appellant
against the order dated 18.10.2023 passed by learned Special
Judge, SC/ST 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 and 506
of the Indian Penal Code, Section 27 of the Arms Act and
sections 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case in short, 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 by the informant that the petitioner along with other used to threaten and abuse the deceased with respect to land dispute.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to political rivalry. 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 name of the appellant has come during the course of investigation. There is no specific overt act of commission of murder against the appellant. Only material was found against him during investigation that he was also involved in this alleged offence. Nothing consistent material has come against him in respect of commission of murder. 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 08.09.2023.

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

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 18.10.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Adapur P.S. Case No. 266 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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