

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5376 of 2023

Arising Out of PS. Case No.-714 Year-2022 Thana- KAHALGAON District- Bhagalpur

Suman Goswami Son of Sanjay Goswami R/o vill - Bishanpur, P.S. -
Kahalgaon, (Shivnarayanpur), Distt. - Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Kumar Paswan Son of Late Darbari Paswan R/o vill - Bishanpur, ward
no. 7, P.s. - Shivnarayanpur, Distt. - Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ambrish Kumar Jha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 26-04-2024 I.A. No.01 of 2024 has been filed for condoning the
delay.

2. The delay is condoned.

3. Heard learned counsel for the appellant and learned
Special P.P. for the State.

4. The appellant has challenged the order dated
27.06.2023 passed by learned 3rd Additional Sessions Judge-III-
cum-SC/ST Special Court, Bhagalpur in connection with
Kahalgaon (Shivnarayanpur) P.S. Case No. 714 of 2022
instituted for the offences punishable under Sections 302, 201
and 120(B) of the Indian Penal Code and Sections 3(2)(v) of the
SC/ST Act whereby his prayer for being released on bail has



been rejected.

5. The prosecution case as per FIR is that on 15.07.2022, co-accused Prince Kumar @ Chhotu Kumar Mandal and Sunil Yadav came in the night at 11.30 P.M. and took his son with them on the pretext of some party. Next day morning at 8:00 A.M., the appellant and co-accused informed the daughter of the informant that her brother has been killed. Thereafter, the dead body of the deceased was found near Vikramshila Railway Station Platform.

6. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case. There is no specific allegation of murder of the deceased against the appellant. Nothing has been recovered from the conscious possession of the appellant and there is no eye witness to the alleged occurrence and appellant is in custody since 22.02.2023. He next submits that similarly situated co-accused has been granted bail by this Court passed in Cr. Appeal (SJ) No. 392 of 2023.

7. Learned Special P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

8. Taking into account the aforesaid facts, this Court



deems it appropriate to set aside the order dated 27.06.2023.

9. Accordingly, this appeal is allowed.

10. The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST Act)-cum-Additional District & Sessions Judge, 3rd, Bhagalpur in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 714 of 2022 (SC/ST Case No. 116 of 2022).

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

U		T	
---	--	---	--

