

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5664 of 2023

Arising Out of PS. Case No.-99 Year-2011 Thana- MAJORGANJ District- Sitamarhi

Bhola Rai @ Santosh Yadav @ Santosh Rai S/O Bahadur Rai@Ram Balak
Rai R/O Vill-Sijua Bahera, Ward No.-4, Ps-Majorganj, Dist-Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Shradha Devi W/O Ram Brikch Mallik R/O Vill-Sijua, PS-Majorganj, Dist-Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashok Kumar Jha, Adv.
For the Respondent/s	:	Ms.Usha Kumari 1, SPP
For the Informant	:	None

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

7 27-06-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. Perused the case diary.

2. No one appears on behalf of the Informant but,
learned counsel for the State submits that he has already
informed the informant.

3. The instant appeal has been filed by the appellant
against the order dated 23.09.2023 passed by learned 1st
Additional Sessions Judge, Sitamarhi whereby the prayer for
bail of the appellant in connection with Majorganj P.S. Case No.
99 of 2011/Tr. No. 108 of 2018 under Sections 341, 323, 324,
307/34 of the Indian Penal Code and added Section 302 of the
Indian Penal Code, was rejected.



4. As per allegation, the allegation has been made against the co-accused Chauki Mian of assaulting the husband of the Informant with knife on his head due to which he fell down sustaining grievous injury and, later on, succumbed to his injuries in course of his treatment.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case due to dirty village politics. He further submits that there is no direct or specific allegation of any overt act against the appellant rather the same is general and omnibus and there specific allegation of causing knife injury is against the co-accused Chauki Miyan who has been granted bail by a Co-ordinate Bench of this Court vide order dated 13.08.2014 passed in Cr. Misc. No. 13526 of 2014. Charge-sheet has been submitted in this case. The appellant is in custody since 11.09.2023 and has no criminal antecedent.

6. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that the appellant is named accused in the F.I.R. He further submits that from the impugned order itself, it appears that the supplementary charge-sheet has been submitted against the appellant showing him absconder and cognizance of



the offence u/s 302, 174(A)/34 of the I.P.C. and under Section 3(2)(v) of the SC/ST (POA) Act has been taken against the appellant. Thereafter, all the processes including Section 83 Cr.P.C. have been issued against the appellant and ultimately on 11.09.2023, he was arrested.

7. Considering the aforesaid facts and circumstances of the case and there being no specific or direct allegation against the appellant and the period of custody undergone by the appellant as also the appellant having no criminal antecedent, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 23.09.2023 passed by learned 1st Additional Sessions Judge, Sitamarhi is hereby set aside.

8. Let the appellant, abovenamed, 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 Court below/concerned Court in connection with Majorganj P.S. Case No. 99 of 2011/Tr. No. 108 of 2018.

(Rudra Prakash Mishra, J)

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