

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3 of 2024

Arising Out of PS. Case No.-107 Year-2022 Thana- TILAUTHU District- Rohtas

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Bigan Chandravanshi @ Bigan Kahar Son Of Lakshaman Chandravanshi @
Lakshuman Kahar Resident Of Village - Mitrasenpur, Police Station - Tilau-
thu, District - Rohtas

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Suresh Ram Son Of Late Katwaru Ram Resident Of Village - Mitrasenpur,
P.O. - Maharajganj, Police Station - Tilauthu, District - Rohtas

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Kumar Choubey
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-05-2024 I.A. No. 01 of 2024

The present Interlocutory Application has been
filed for condonation of delay of about ten months in filing
the present appeal.

It is submitted by learned counsel for the appellant
that delay was caused due to some unavoidable circum-
stances which were beyond control of the appellant.

On the ground mentioned in the Interlocutory Ap-
plication, the same is allowed.

Accordingly, Interlocutory Application No. 01 of
2024 filed for condoning the delay in filing the present ap-



peal is allowed and the delay is condoned.

Cr. Appeal (SJ) No. 3 of 2024

Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 15.11.2022 passed by learned Additional District & Sessions Judge-17-cum-Special Judge of SC/ST Act, Sasaram, Rohtas in whereby the prayer for bail of the appellant in connection with Tilauthu P.S. Case no. 107 of 2022 under Sections 457, 380, 302/34 of the Indian Penal Code and section 3(2)(v) of SC/ST Act was rejected.

As per allegation in the FIR, informant's wife was sleeping in the courtyard and on morning when the informant knocked the door, but the door was not opened. From the roof way, Bishnu entered into the house and opened the door. Thereafter informant saw that some unknown miscreant has killed her by pressing her neck. Bleeding from ear and black mark over her neck was present. It is further alleged that Rs. 15,000/- was also missing which was kept under the bed.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. No one is the eye witness of the occurrence. Informant is not named in the



FIR. They have not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. Similarly situated other accused person has already been enlarged on bail by this Court vide order dated 20.7.2023 passed in Cr. Misc. No. 233 of 2023.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that appellant is not named in the FIR, 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 15.11.2022 passed in Reg. No. 88 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Tilauthu P.S. Case No. 107 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 Additional District and Sessions Judge-17 cum-Special Court of SC/ST Act, Sasaram, Rohtas.

(Sunil Kumar Panwar, J)

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