

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.872 of 2019

Arising Out of PS. Case No.-380 Year-2018 Thana- MALSALAMI District- Patna

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BHOLU KUMAR @ BHOLU (M), S/o Saukhi @ Sokhi Lal Sahni, Resident
of Mohalla- Nuruddinganj, P.S.- Malsalami, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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with
CRIMINAL APPEAL (SJ) No. 1767 of 2019

Arising Out of PS. Case No.-380 Year-2018 Thana- MALSALAMI District- Patna

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MONU YADAV (M), Son of Late Ranjeet Gope, resident of Mohalla-Simli
Sahadra, P.S. Malsalami, District- Patna

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 872 of 2019)

For the Appellant/s : Mr.Rajeev Kumar

For the Respondent/s : Mr.Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 1767 of 2019)

For the Appellant/s : Mr.Satya Narayan Prasad

For the Respondent/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL JUDGMENT

Date : 20-05-2019

Heard learned counsel for the appellants and learned

Special P.P. for the State.

As both the criminal appeals have cropped up from the
same P.S. case, hence, aforesaid two appeals are being heard
together and disposed of by this common judgment.



Both aforesaid appeals under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 24.11.2018 and 06.04.2019 respectively passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act, Patna in Malsalami P.S. Case No. 380 of 2018 registered under Sections 302/34 of the Indian Penal Code and also under Section 3 (i) (x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with eleven F.I.R. named accused persons are said to have stabbed to death the son of the informant over altercation between the deceased and accused Rajesh Prasad Yadav on selling and consuming Ganja in front of the house of the informant.

It is submitted by the learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no eye witness of the occurrence. No incriminating article has been recovered from the conscious physical possession of the appellants. They have been made accused in the case only on the basis of suspicion. Appellant Bholu



Kumar @ Bholu has been languishing in judicial custody since 03.11.2018 whereas appellant Monu Yadav has been languishing in judicial custody since 04.02.2019. Similarly, situated co-accused namely Manoj Kumar Yadav has been enlarged on bail by co-ordinate Bench of this Court in CR. APP (SJ) No. 858 of 2019 vide order dated 18.02.2019.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, Patna in connection with Special Case No. 598 of 2018 arising out of Malsalami P.S. Case No. 380 of 2018.

Accordingly, the impugned order is set aside and both appeals are allowed.

(Prakash Chandra Jaiswal, J)

T.Kr./-

AFR/NAFR	NAFR
CAV DATE	NA
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