

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3049 of 2019

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

RAJESH PRASAD YADAV @ RAJESH KUMAR @ RAJESH PRASAD
Son of Late Krit Bawan Prasad R/v- Purvi Nand Gola, Madho Mill,
Malsalami, Patna City, P.S.- Malsalami, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vijay Kumar Sinha Mr. Satyendra Kumar Bhatnagar
For the Respondent/s	:	Mr. Sadanand Paswan

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

ORAL ORDER

5 26-09-2019 Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal 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 19.06.2019 passed by learned Special Judge (SC/ST Act),
Patna in Malsalami P.S. Case No. 380 of 2018 registered under
Section 302/34 of the Indian Penal Code and Section 3(i)(x) of
the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Appellant along with twelve other F.I.R. named
accused persons are said to have stabbed to death the son of the



informant over some altercation ensued between the deceased and the appellant on selling and consuming ganja in front of the house of the informant.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. The allegation levelled against the appellant 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 appellant. He has been made accused in the case only on the basis of suspicion and has been languishing in custody since 19.06.2019. Similarly situated co-accused, namely, Manoj Kumar Yadav has been enlarged on bail by a co-ordinate bench of this court vide order dated 29.03.2019 passed in Cr. Appeal (SJ) No. 858 of 2019 while co-accused Ganesh Singh has been enlarged on bail by this Court vide order dated 26.04.2019 passed in Cr. Appeal (SJ) No. 1735 of 2019.

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

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Patna in connection with Malsalami P.S. Case No. 380 of 2018.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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