

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1778 of 2020**

Arising Out of PS. Case No.-715 Year-2018 Thana- MOHANIYA District- Kaimur (Bhabua)

DEEPU SHUKLA @ DEEPU PANDEY Son of Vijay Shukla Resident of  
Village- Sukulpipara, P.S.- Mohania, District- Kaimur at Bhabua.

... .. Appellant/s  
Versus  
THE STATE OF BIHAR ... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Sandeep Kumar, Advocate  
Mr. Rajani Kant Pandey, Advocate  
For the State : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY  
ORAL ORDER**

3      08-01-2021      Heard learned counsel for the appellant and learned Spl.  
PP for the State.

The instant appeal has been preferred by the appellant against the order dated 18.2.2019 passed by the learned Additional Sessions Judge 1<sup>st</sup>-cum-Special Judge, Kaimur at Bhabua whereby the prayer for bail of the appellant in connection with SC/ST Reg. no. 3 of 2019 arising out of Mohaniya P.S. Case no. 715 of 2018 registered under sections 302, 307, 324, 326 and 34 of the Indian Penal Code, section 27 of the Arms Act and sections 3(2)(v) of the SC/ST(POA) Act, was rejected.

As per allegation in the FIR, while the informant along with 2 to 3 others were going to settle their dispute, it is stated that on reaching near the place of occurrence the appellant along



with 9 to 10 other persons were waiting for them variously armed. Seeing the informant all of them started firing indiscriminately. Vikash Yadav sustained gun shot injuries and in course of treatment he died.

It is submitted by learned counsel for the appellant that from perusal of the FIR itself it would transpire that the allegations are general and omnibus in nature. The informant has criminal antecedent and the occurrence has taken place in some other manner. The appellant has been falsely implicated in the case. He is in custody since 11.1.2019. It is further submitted that co-accused Rakesh Pandey has been enlarged on bail vide order dated 3.2.2020 passed in Cr. Appeal(SJ) no. 5230 of 2019 and Manoj Pandey has been enlarged on bail vide order dated 21.12.2020 passed in Cr. Appeal (SJ) no. 1287 of 2020.

The appeal is opposed by learned Spl. PP appearing for the State.

Having heard learned counsel for the parties and taking into consideration that the appellant has remained in custody for nearly 2 years and grant of bail to the other co-accused as stated above, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 18.2.2019 passed by the learned Additional Sessions Judge 1<sup>st</sup> -cum-Special Judge,



Kaimur at Bhabua is hereby set aside.

The appellant is directed to be enlarged on bail in connection with SC/ST Reg. no. 3 of 2019 arising out of Mohaniya P.S. Case no. 715 of 2018 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1<sup>st</sup> -cum-Special Judge, Kaimur at Bhabua.

**(Partha Sarthy, J)**

Prakash/-

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