

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1768 of 2020

Arising Out of PS. Case No.-223 Year-2020 Thana- RAJAOLI District- Nawada

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KULESHWAR PRASAD Son of Late Baleshwar Yadav @ Late Baleshwar Prasad Resident of Village- Rampur (Nimatand), P.S.- Rajauli, District- Nawada.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-01-2021 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 1.7.2020 passed by the learned Special Judge, SC/ST (POA) Act-cum-Addl. District and Sessions Judge Ist, Nawada whereby the prayer for bail of the appellant in connection with Special Case no. 114 of 2020 arising out of Rajauli P.S. Case no. 223 of 2020 registered under sections 147, 341, 323, 307 and 302 of the Indian Penal Code and section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the FIR, it is stated by the informant that over a dispute relating to grazing of buffalo in the



agricultural land of the informant's brother, on him going and protesting, the accused persons including the appellant herein started to assault him with kicks, box, lathi etc. He fell unconscious and was taken to the hospital where he was declared dead.

It is submitted by learned counsel for the appellant that the allegations are general and omnibus in nature. The appellant is in custody since 26.5.2020 and has no criminal antecedent. Case of the appellant stands on a similar footing to that of other FIR named co-accused namely Shambhu Yadav and Giri Raj who have been enlarged on bail vide order dated 1.12.2020 passed in Cr. Appeal (SJ) no. 1858 of 2020.

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

Having heard learned counsel for the parties and considering the facts and circumstances of the case including the appellant being in custody since 26.5.2020 and grant of bail to the co-accused, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 1.7.2020 impugned herein is set aside.

The appellant is directed to be enlarged on bail in connection with Special Case no. 114 of 2020 arising out of



Rajauli P.S. Case no. 223 of 2020 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 Special Judge,
SC/ST (POA) Act-cum-Addl. District and Sessions Judge Ist,
Nawada.

(Partha Sarthy, J)

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