

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.564 of 2021

Arising Out of PS. Case No.-205 Year-2020 Thana- FATEHPUR District- Gaya

Deepu Kumar, aged about 21 years, Male, S/o Ganesh Yadav, Resident of Village-Dhanawan, P.S-Bodhgaya, District-Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shivendra Prasad, Advocate
For the State : Mr.Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-03-2021 Heard learned counsel for the appellant and learned
A.P.P. for the State.

The appeal is against the order dated 06.10.2020 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with B.P. No.245 of 2020 arising out of Fatehpur P.S. Case No.205 of 2020 for the offences punishable under Sections 302, 201/34 of the Indian Penal Code and Sections 3(2), (v) of SC/ST (Prevention of Atrocities) Act, has been rejected.

One Ramawtar Paswan gave his fardbeyan on 26.08.2020 at ANMMCH Gaya postmortem house before the police officer of Magadh Medical police station alleging therein that the informant is a handicapped and he has five sons. It is further alleged that second son of the informant was driving the



four wheeler of one Sachin Podh. It is further alleged that the informant also learnt from Sachin Podh that at about 9.00 A.M., Lalan Yaav along with 2-3 others had come to search Sujit Paswan (deceased). It is further alleged that they had threatened to kill the son of the informant namely Shiv Bachan Kumar within 24 hours. It is further alleged that as the son of the informant had not returned, the son of the informant namely, Randhir Paswan along with others went to Birendra Yadav's resident village at Dharmasi Bigha to inquire about Sujeet Paswan but Birendra Yadav and other accused persons surrounded the members of the informant side, abused them and told that the son of the informant would not return till the daughter of Birendra Yadav comes back.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. On mere suspicion, the appellant has been made accused in the present case and the appellant is in jail custody since 28.08.2020. There is no eye witness of the occurrence. Learned counsel for the appellant further submits that the appellant is relative of Birendra Yadav who resides with his family at his home village and he has been made accused only because the appellant happens to be Bhagina of Birendra Yadav the co-



accused.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellant be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with B.P. No.245 of 2020 arising out of Fatehpur P.S. Case No.205 of 2020.

Accordingly, the order dated 06.10.2020 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

Nasimul/-

U		T	
---	--	---	--

