

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.525 of 2022

Arising Out of PS. Case No.-142 Year-2021 Thana- BARH District- Patna

MD. RAJA @ RAJA, aged about 28 years, Gender-Male, Son of Md. Fakruddin @ Md. Fakhrudin @ Fakhasdhin @ Fashidhim, Resident of Hussainganj Langarpur, P.S. Barh, District Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Anita Devi, Aged about 30 years, Gender-Female, Wife of Late Suraj Paswan, Resident of Hussainganj Langarpur, P.S. Barh, District Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Udbhav
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-07-2022 Heard learned counsel for the appellant and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

The appellant seeks bail in connection with Barh P.S. Case No. 142 of 2021 registered under Sections 302 and 34 of the Indian Penal Code read with Section 27 of the Arms Act and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case is that co-accused Ranjit singh called out the husband of the informant and took him to his house where over some dispute, appellant and other co-accused persons shot the husband of the informant dead.



The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. Neither the informant nor her brother-in-law is an eye witnesses to the occurrence. Even from the FIR, it is evident that the husband of the informant was on friendly terms with the appellant and other co-accused persons and therefore he went away with them. Furthermore, only one gun shot injury has been found on the person of the informant so it is not the case of prosecution that this appellant shot the informant dead. Moreover, only allegation against the appellant is that he along with some other co-accused persons was present at the courtyard of co-accused Ranjeet Singh. Similarly situated co-accused Golu Singh @ Shubham Singh @ Sukaj Singh has already been granted bail by a Coordinate Bench vide order dated 27.01.2022 passed in Cr. Appeal (SJ) No. 4038 of 2021 and the case of the petitioner is distinguishable from the co-accused Ranjeet singh who has been refused bail by another Coordinate Bench vide order dated 10.03.2022 passed in Cr. Appeal (SJ) No. 4526 of 2021. Learned counsel further submits that the appellant is in custody since 19.4.2021.

Learned counsel on behalf of the informant opposes the prayer for bail and stressed the fact that co-accused Ranjeet



Singh has been refused bail by this court.

Having regard to the submission made hereinabove and considering the fact that the allegation against the appellant is similar to that of co-accused Golu Singh who has been granted bail by a Coordinate Bench and further considering the fact that no specific overt act has been attributed to this appellant coupled with his period of detention, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with Barh P.S. Case No. 142 of 2021, subject to the following conditions :-

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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