

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.280 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- BIKRAM District- Patna

RAM NARAYAN YADAV S/o Late Ram Lakhan Yadav R/o Village-
Faridpur, Baghakol, P.S.- Bikram, Distt- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Lakshmi Kant Sharma, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Advocate Mr. Shashank Shekhar, Advocate Mr. Ashutosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 05-06-2023

The present criminal appeal has been listed under the heading 'For Orders (On Office Notes).

2. There were two defects, as pointed out by the office.

3. Learned Sr. Counsel for the appellant submits that he seeks permission to remove one of the defects in course of the day, i.e., relating to non-mentioning of appellant in jail.

4. The appellant is directed to remove the said defect in course of the day.

5. So far as second defect is concerned, i.e., relating to mentioning of wrong P.S. Case Number in the order passed by Special Judge, SC/ST, Patna dated 30.11.2022 as in the



ordersheet Bikram P.S. Case No. 313 of 2021 has been wrongly typed in place of Bikram P.S. Case No. 313 of 2022.

6. Learned Sr. Counsel for the appellant submits that at the top wrong case number is there but in the 5th line of the same order correct case number i.e. Bikram P.S. Case No. 313 of 2022 has been mentioned.

7. Learned counsel for the appellant also submits that in paragraph -1 a categorical statement has been made in which it has been mentioned that the correct P.S. Case Number is Bikram P.S. Case No. 313 of 2022 whereas in the ordersheet it has wrongly been mentioned as Bikram P.S. Case No. 313 of 2021.

8. In this background that the appellant has stated the correct case number in the petition of criminal appeal, let the said defect is hereby ignored.

9. Heard learned counsel for the appellant, learned counsel for the informant and learned counsel for the State.

10. The present criminal appeal has been filed against the order dated 30.11.2022, passed by the learned Special Judge, SC/ST, Patna in Serial No. 241 of 2022, arising out of Bikram P.S. Case No. 313 of 2022 lodged on 14.07.2022 under Sections 302, 120B/34 of the Indian Penal Code, Section 27 of the Arms



Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

11. As per the prosecution, the FIR has been lodged against five named accused persons to the effect that one Rajesh Kumar has fired on the husband of the informant due to which he died. The informant disclosed the name of other accused persons including the appellant on the basis of suspicion.

12. Learned Sr. Counsel for the appellant submits that bare reading of the FIR reflects the specific allegation in this case is against co-accused Rajesh Kumar and not against the present appellant. He further submits that the name of the appellant figured in this case only and only on the basis of suspicion and the antecedent of the appellant is clean. The appellant is in custody since 16.07.2022.

13. Learned counsel for the State opposes the prayer for bail.

14. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the said crime has been committed at the instance of the present appellant because the appellant is in custody in Bikram P.S. Case No. 360 of 2019 in which the deceased was one of the witness due to which this occurrence took place.



15. Learned Sr. Counsel for the appellant in reply submits that the appellant is not accused in Bikram P.S. Case No. 360 of 2019 and, therefore, the contention of the informant is not correct.

16. In the present facts and circumstances of this case and the submissions made above, let the appellant above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Patna in Serial No. 241 of 2022, arising out of Bikram P.S. Case No. 313 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

17. The order dated 30.11.2022, passed by the learned Special Judge, SC/ST, Patna in Serial No. 241 of 2022, arising out of Bikram P.S. Case No. 313 of 2022 is hereby set aside.

18. With this observation, the appeal stands allowed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.06.2023
Transmission Date	NA

