

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.582 of 2023

Arising Out of PS. Case No.-523 Year-2021 Thana- BARH District- Patna

JAY RAM KUMAR SON OF UMESH YADAV @ UMESH GOP R/O
VILLAGE- PANDARAK WEST, P.S.- PANDARAK, DISTRICT- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. DHARAMRAJ KUMAR SON OF SRI KRISHNA MOHAN PRASAD R/O
VILLAGE- GOPKITA, P.S.- PANDARAK, DISTRICT- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raj Krishna Jha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 06-07-2023 Though notice has been issued to O.P. No. 2, no one
has turned up to assist the Court.

Heard learned counsel for the appellant and learned
Special P.P for the State.

The appellant has challenged the order dated
29.11.2022 passed by learned Exclusive Special Judge SC/ST
Act, Patna in connection with Barh P.S. Case No. 523 of 2021
instituted for the offences punishable under Sections 307, 302,
120(B), 34 of the Indian Penal Code, Section 27 of the Arms Act
and Section 2(iv) of the SC/ST Act whereby his prayer for being
released on bail has been rejected.

The allegation against the appellant is to commit



murder of one Rajesh Kumar Pabdarak along with other co-accused persons by causing firearm injuries while returning from a marriage party in the background of local political rivalries.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. Appellant is not named in the FIR. His name transpired on the disclosure made by spy. The informant is not an eye witness to the occurrence. Co-accused Rakesh Kumar and one Vikash Singh are alleged to have fired causing injury in the leg of Rajesh Kumar, who died in course of treatment but the postmortem report suggests that deceased sustained only one gunshot injury. The appellant is in custody since 24.12.2021. Moreover, co-accused Vikash Singh has been granted bail by a coordinate Bench of this Court vide order dated 01.12.2022 passed in Cr. Appeal (SJ) No. 1885 of 2022.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 29.11.2022 passed by learned Exclusive Special Judge SC/ST Act, Patna in connection with Barh P.S. Case No. 523 of 2021.



Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST Act, Patna in connection with Barh P.S. Case No. 523 of 2021.

(Sunil Kumar Panwar, J)

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