

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.676 of 2023

In
CRIMINAL MISCELLANEOUS No.74271 of 2022

Arising Out of PS. Case No.-286 Year-2020 Thana- KATEYA District- Gopalganj

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Dhananjay Pandey Son Of Prabhunath Pandey Residence Of Babhani, P.S.-
Kateya, District - Gopalganj (Bihar)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Baijnath Sah
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 24-08-2023 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 23.08.2022 passed by learned Additional Sessions Judge-III-cum Special Judge, SC/ST, Gopalganj in connection with Kateya P.S. Case no. 286 of 2020 under Sections 302 and 34 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(2)(v) of SC/ST Act was rejected.

Allegation against the two miscreants is that they came on a motorcycle and the pillion rider made firing upon the father of the informant, as a result of which, he sustained gun shot injuries and he died.

It is submitted by learned counsel for the appellant



that appellant has been falsely implicated in this case due to highhandedness of the police. The appellant is not named in FIR rather his name came into light in this case on the basis of confessional statement of other co-accused person before the police which has got no evidentiary value in the eye of law. It is further submitted that nothing incriminating article has been recovered from the conscious possession of the appellant. It is also submitted that nothing specific allegation has been attributed against him. He has not taken the caste name of the informant's father in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant's father in public view. Similarly situated other co-accused person has already been granted bail by the different co-ordinate Bench of this Court vide order dated 20.04.2023. in Cr. Appeal(SJ) No. 3856 of 2022. Moreover, the appellant is languishing in judicial custody since 08.10.2021.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and considering the period of custody of the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed



and the impugned order dated 23.08.2022 passed in Kateya P.S.
Case No. 286 of 2020 is hereby set aside.

The appellant is directed to be enlarged on bail in
connection with Kateya P.S. Case No. 286 of 2020 on furnishing
bail bond of Rs. 10,000/- (Rs. ten thousand only) with two
sureties of the like amount each to the satisfaction of the learned
Additional Sessions Judge-III-cum-Special Judge, SC/ST Act,
Gopalganj.

(Sunil Kumar Panwar, J)

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