

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1831 of 2023

Arising Out of PS. Case No.-567 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

-
-
1. KARELAL ROY @ KARILAL RAY S/o Sahdeo Mahto Resident of Hemra Tola (Raja Dumri) Ward No. 2 P.S. Mufassil, District-Begusarai
 2. NAVITA DEVI W/o Karelal Roy Resident of Hemra Tola (Raja Dumri) Ward No. 2 P.S. Mufassil, District-Begusarai

... .. Appellant/s

Versus

1. The State of Bihar PATNA
2. PINKI DEVI W/o Late Nunu Babu Paswan Resident of village-Raja Dumri, P.S.-Mufassil, District-Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinod Gautam
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-12-2023 Heard learned counsel for the appellants, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 27.01.2023 passed by learned court of Special Judge, SC/ST(POA) Act, Begusarai whereby the prayer for bail of the appellants in connection with Muffasil (Lakho O.P.) P.S. Case no. 567 of 2022 under Sections 302, 201, 120(B) and 34 of the Indian Penal Code and section 3(2)(V) of SC/ST (POA) Act was rejected.

3. As per prosecution case, all the accused persons including these appellants have committed murder of the



informant's husband and thrown the dead body on the railway track for concealment of the evidence.

4. It is submitted by learned counsel for the appellants that appellants are innocent and have committed no offence. They have been falsely implicated in this case merely on the basis of suspicion. The informant is not the eye witness of the alleged occurrence. The allegation against the appellants is general and omnibus in nature and there is no any specific overt act against them. They have not taken the caste name of the informant or the deceased in public view. No offence is made out under the provisions of the SC/ST Act against him. Similarly situated co-accused namely, Chhotu Kumar @ Chotu Ray has already been granted bail by another co-ordinate Bench of this Court vide order dated 30.11.2023 passed in Cr. Appeal (S.J.) No. 4799 of 2023. The appellants have got not criminal antecedent. Moreover, they are languishing in judicial custody since 26.10.2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow



this appeal. Accordingly, the appeal is allowed and the impugned order dated 27.01.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Muffasil (Lakho O.P.) P.S. Case no. 567 of 2022 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 court of Special Judge, SC/ST(POA) Act, Begusarai.

(Sunil Kumar Panwar, J)

manishkumar/-

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

