

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2372 of 2023

Arising Out of PS. Case No.-276 Year-2020 Thana- KOILWAR District- Bhojpur

LETHA RAI @ RAM PRASAD RAI SON OF RAM ASARE RAI @
RAMAYAN RAI R/O Village-Shaligram Singh ka Tola, P.S. Barhara,
District-Bhojpur

... .. Appellant/s

Versus

1. The State Of Bihar
2. SUPAN RAJAK SON OF LATE CHHABILA RAJAK R/o Rampur Diyara,
P.S. Maner, District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Surendra Kishore Thakur
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-08-2023 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 20.4.2023 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Bhojpur at Ara in BP No. 2121 of 2023 whereby the prayer for bail of the appellant in connection with Koilwar P.S. Case no. 276 of 2020 under Sections 302/34 of the Indian Penal Code and sections 27 of the Arms Act including sections 2(v) of the SC/ST Act was rejected.

According to the Fir, it is alleged that two groups of the villagers were firing against each other in which, co-accused Bhuwar Rai fired upon the brother of the informant due to



which he died on spot.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. From perusal of FIR, it appears that the specific overt act of firing upon the deceased is against co-accused Bhuwar Rai due to which he died on spot. General and omnibus allegation leveled against the appellant. Moreover, similarly situated co-accused namely, Munna Rai has already been granted bail by a co-ordinate Bench of this Court vide order dt. 2.3.2021 passed in Cr. App (SJ) No. 236 of 2021 and in support of this Annexure-2 series has been annexed with this petition. It is further submitted that the appellant is languishing in judicial custody since 13.2.2023.

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

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 20.4.2023 passed in B.P. No. 2121 of



2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Koilwar P.S. Case No. 276 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

Amandeep/-

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

