

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2469 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- PARSABAZAR District- Patna

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DILEEP KUMAR @ DILIP KUMAR Son of Late Kamta Prasad Singh
Resident of Village - Mokimpur, P.S.- Parsa Bazar, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Gaurav Kumar Son of Late Prem Kumar Resident of Pakri Punpun, P.S.-
Punpun, District - Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Ajit Kumar Ojha Mr. Navneet Jha Mr. Kuldeep Kumar
For the Respondent/s	:	Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 12-10-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant.

2. The instant appeal has been filed by the appellant
against the order dated 24.03.2023 passed by learned Special
Judge, SC/ST, Patna whereby the prayer for bail of the
appellant in connection with Special Case No. 07 of 2023
arising out of Parsa Bazar P.S. Case no. 04 of 2023 under
Sections 302, 120(B)/34 of the Indian Penal Code, Section 27
of the Arms Act and Section 3(2)(v)(va) of SC/ST Act was
rejected.



3. It is case of commission of murder of the informant's father by the accused persons.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. The appellant is not named in the F.I.R. rather his name has been transpired in the present case during investigation on the basis of confessional statement of co-accused Vikash Kumar which has no evidentiary value in the eye of law. The appellant 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. There is no eye witness to the alleged occurrence. As per prosecution case, the deceased before death stated to the informant that Lalanwa had got him shot and with the aforesaid Lalanwa Bablu Singh of Chinia tola and they were further accompanied by four-five unknown persons. Except the suspicion and confessional statement of co-accused no other consistent evidence has come against the appellant to show his complicity in the alleged occurrence. Moreover, the appellant is languishing in judicial custody since 22.01.2023.

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 24.03.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Special Case No. 07 of 2023 arising out of Parsa Bazar P.S. Case no. 04 of 2023 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 Special Judge, SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

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