

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2144 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- DULHIN BAZAR District- Patna

Bhuali Singh @ Vimlesh Singh S/o late Rambachan Singh Resident of
Mahuaar, P.S. Bihta, District - Patna, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bajrangi Ram Ram Ayodhya Ram R/O Chandi, P.O.-Narhi Chandi, P.S.-
Chandi, District -Bhojpur(Ara)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Saket Anand
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-03-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 27.04.2022 passed by learned Exclusive Special Court SC/ST Act, Patna in Spl. Case No. 367 of 2021 whereby the prayer for bail of the appellant in connection with the Dulhin Bazar P.S. Case no. 243/2021, Spl. (SC/ST Act) Case No. 367/2021 under Sections 302, 201, 120 (B) & 34 of the Indian Penal Code and section 25(a) & 27 of the Arms Act and Sections 3(i)(r) (s) & 3(2) (va) of SC/ST (POA) Act was rejected.

As per allegation in the FIR, in the marriage



ceremony of appellant's son, informant and his brother were engaged as member of band party. During course of blissful firing, informant's younger brother received bullet injury in his stomach as a result of which he succumbed to the bullet injury on spot.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Specific allegation of firing is against co-accused Chotu Singh, Nirranjan Singh, Amrinder Singh @ Panditwa and not against the petitioner. The alleged occurrence took place at the spur of moment. Appellant was not having any intention to commit crime. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent. Appellant is languishing in judicial custody since 22.01.2022.

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 27.04.2022 passed in Spl. Case No. 367 of 2021 is hereby set aside.



The appellant is directed to be enlarged on bail in connection with Dulhin Bazar P.S. Case No. 243 of 2021 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 Exclusive Special Court, SC/ST (POA) Act, Patna.

(Sunil Kumar Panwar, J)

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