

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2672 of 2023**

Arising Out of PS. Case No.-18 Year-2022 Thana- GAYA MUFASIL District- Gaya

Chiku Pandey @ Chiku Baba S/O Manoj Dubey @ Manoj Pandey R/O
Village- Gandhi Nagar Manpur, Ps. Muffasil, Dist. Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Akhilesh Chaudhary S/O Late Sonu Chaudhary R/O Village- Kumahar Toli
Near Gandhi Nagar Mor, Ps. Muffasil, Dist. Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prithivi Raj Singh
For the Respondent/s : Mrs.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 09-11-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 18.05.2023 passed by learned Exclusive Special Judge SC/ST, Act, Gaya whereby the prayer for bail of the appellant in connection with Muffasil P.S. Case no. 18 of 2022 under Sections 364, 302 and 34 of the Indian Penal Code and sections 3(ii)(v) of the SC/ST Act was rejected.

3. As per allegation in the FIR, son of the informant had gone for taking hair cut and seven accused persons including this appellant have caught him and took him to the



bank of river and killed him by assaulting.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to 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. No any specific allegation has been levelled against the appellant rather general and omnibus allegation has been levelled against him. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 02.11.2023 in Cr. APP(SJ) No. 1729 of 2023. Moreover, the appellant is languishing in judicial custody since 11.03.2022.

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

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 18.05.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Muffasil P.S. Case No. 18 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 Exclusive Special Judge, SC/ST Act, Gaya.

(Sunil Kumar Panwar, J)

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