

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2397 of 2022

Arising Out of PS. Case No.-534 Year-2021 Thana- ALAMGANJ District- Patna

RAJA @ RAJU KUMAR BIND Son of Manikchand Prasad Resident of Ar-
fabad Beldar Tola, P.S.- Alamganj, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Renu Devi Jagu Chaudhry Resident of village-Alamganj, District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 02-03-2023 Heard learned counsel for the appellant, learned coun-
sel for the informant and learned Special Public Prosecutor for
the State.

The instant appeal has been filed by the appellant against the order dated 23.06.2022 passed by learned Special Judge SC/ST Act, Patna in Alamganj P.S. Case No. 534 of 2021 (Special Case No. 236 of 2021) whereby the prayer for bail of the appellant under Section 302, 120B/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v)a of SC/ST Act was rejected.

As per allegation in the FIR, under a conspiracy and with common intention encircled the husband of the informant and accused Naga @ Sonu and Baliya opened fire upon him as a



result of which he received bullet injury and fell down unconsciously. When the informant took her husband to NMCH, doctor declared him brought dead.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Appellant is not named in the FIR rather his name has been surfaced in the present case on the basis of confessional statement of co-accused Sonu Kumar. Specific allegation of opening fire is against co-accused Naga @ Sonu and Baliya and not against the appellant. Appellant was not present at the time and place of occurrence. No offence is made out under the provisions of the SC/ST Act against him. He has got no criminal antecedent. Similarly situated other co-accused persons have already been enlarged on bail vide order dated 25.08.2022 passed in Cr. Appeal (SJ) No. 4953 of 2021 and vide order dated 18.08.2022 passed in Cr. Appeal (SJ) No. 290 of 2022 by different co-ordinate Benches of this Court. Appellant is languishing in judicial custody since 24.11.2021.

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 allega-



tion against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 23.06.2022 passed in Alamganj P.S. Case No. 534 of 2021 (Special Case No. 236 of 2021) is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Alamganj P.S. Case No. 534 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 Special Judge SC/ST Court, Patna.

(Sunil Kumar Panwar, J)

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