

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2799 of 2023

Arising Out of PS. Case No.-392 Year-2022 Thana- ALOULI District- Khagaria

Sagun Yadav Son Of Umesh Yadav Resident Of Village- Satghatta, Ps- Alauli,
Distt- Khagaria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 21-09-2023 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 18.5.2023 passed by learned Additional Sessions Judge 1st-cum-Special Judge SC/ST Act, Khagaria whereby the prayer for bail of the appellant in connection with Alauli P.S. Case no. 392 of 2022 under Sections 353, 332, 307, 302, 120(b)/34 of the Indian Penal Code and sections 27 Arms Act and Section 3(2)(V) of SC/ST Act was rejected.

As per allegation in the FIR, co-accused Prafull and Rahul opened fire upon Jai Narayan Paswan which hit his Panjara and he succumbed to bullet injury and informant received fire arm injury on his leg.

It is submitted by learned counsel for the appellant



that appellant has been falsely implicated in this case. Specific allegation is against Praful and Rahul Kumar and not against the appellant. Petitioner is not named in the FIR rather his name surfaced in confessional statement of Rajeev Kumar, who is also not named accused. Save and except confessional statement, nothing has come against the appellant to show his involvement in the present case. 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 them. Appellant is languishing in judicial custody since 19.11.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State and submitted that appellant is a notorious criminal and seven more cases of like nature, are pending against him.

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 18.5.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Alauli P.S. Case No. 392 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



Additional Sessions Judge 1st-cum-Special Judge SC/ST Act,
Khagaria.

(Sunil Kumar Panwar, J)

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