

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3404 of 2023

Arising Out of PS. Case No.-168 Year-2023 Thana- LALGANJ District- Vaishali

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Amit Ranjan @ Shashi Kumar Son Of Manoj Kumar Thakur @ Manoj Thakur Resident Of Village - Pojhiyan (Repura), P.S. - Lalganj, Distt. - Vaishali

... .. Appellant/s

Versus

1. The State Of Bihar
2. Mukesh Paswan Son Of Kamleshwar Paswan Resident Of Vill - Panchdamiya, P.S. - Lalganj, Distt. - Vaishali

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bhavesh Kumar
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 30-11-2023 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 16.05.2023 passed by learned Special Judge (SC/ST) (POA) Act, Vaishali, Hajipur whereby the prayer for bail of the appellant in connection with Lalganj P.S. Case no. 168 of 2023 under Sections 302/34 of the Indian Penal Code and sections 3(2)(va) of SC/ST Act and Section 27 of Arms Act was rejected.

3. The prosecution case in nutshell is that while



the informant and his family members were at home, four miscreants on two motorcycle came and shot his brother, due to which he succumbed to gun shot injuries.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Petitioner is not named in F.I.R. and his name sprang up during investigation of this case. There is no specific allegation against the appellant. 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. Moreover, the appellant is languishing in judicial custody since 22.04.2023. A statement has been made in para 3 of the appeal that appellant has no criminal antecedent.

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 16.05.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Lalganj P.S. Case No. 168 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, Vaishali, Hajipur.

(Sunil Kumar Panwar, J)

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