

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3470 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- JANKINAGAR District- Purnia

RAJEEV KUMAR @ SINTU YADAV SON OF GAJENDRA YADAV @
GAJENDRA PRASAD YADAV RESIDENT OF VILLAGE- BHAIROPUR,
WARD NO. 3, PS- KUMAR KHAND, DIST- MADHEPURA

... .. Appellant/s

Versus

1. The State of Bihar
2. GUDDU KUMAR SON OF SRI SUKHDEO RAM RESIDENT OF VIL-
LAGE- BAISADH, WARD NO. 4, PS- KUMAR KHAND, DIST- MAD-
HEPURA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Viveka Nandsingh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-11-2023 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 12.06.2023 passed by learned Special Judge (SC/ST) Act, Purnea passed in P.S. Case No. 03 of 2023 whereby the prayer for bail of the appellant in connection with Jankinagar P.S. Case no. 03 of 2023 under Sections 302, 201/34 of the Indian Penal Code and sections 3(2)(v) of SC/ST Act was rejected.

As per allegation in the FIR, informant alleged that the co-accused, namely, Sintu Yadav in connivance with other committed murder of the informant's brother by means of knife



blow.

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. It is also submitted that the informant is not an eye witness of the alleged occurrence. There is no specific allegation is levelled against the appellant. During investigation, his name has been surfaced merely on the basis of suspicion. No offence is made out under the provisions of the SC/ST Act against them. During investigation no consistent material has come out against the appellant. Accused is languishing in judicial custody since 28.02.2023.

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 12.06.2023 passed in P.S. Case No. 03 of 2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Jankinagar PS Case No. 03 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, Purnea.

(Sunil Kumar Panwar, J)

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