

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3571 of 2023

Arising Out of PS. Case No.-104 Year-2020 Thana- DULHIN BAZAR District- Patna

Nandan Mahto @ Ankit Kumar @ Nandan Kumar Son Of Suresh Prasad @
Suresh Mahto @ Suresh Yadav Village- Amarpura Bhawanichak Ps-
Naubatpur Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmendra Kumar son of Shyam Charan Mistri Village Po- Lala Bhadsara
Ps- Dulhin Bazar, Dist- Patna

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-09-2023 Heard learned counsel for the appellant and learned
Special P.P for the State.

The appellant has challenged the order dated 26.06.2022 passed by learned Exclusive Special Court SC/ST Act, Patna in connection with Dulhin Bazar P.S. Case No. 104 of 2020 instituted for the offences punishable under Sections 307, 302, 34, 120(B) of the Indian Penal Code and under Section 27 of the Arms Act and Sections 3(1)(v)(s)/3(2)(va) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

The prosecution case as per F.I.R is that three unknown motorcycle borne miscreants fired upon the informant,



but it did not hit him, rather one passerby namely Deepak Kumar received bullet injury, as a result of which, he died in the hospital during treatment. It is further alleged that in order to save himself, the informant fled towards the house of his *Mausa*, Chitranjan Sharma, whereupon, the miscreants inflicted injury with fire-arm on the leg of *Mausa* of informant. It is also alleged that these three unknown criminals have also killed his uncle Yes Narayan Sharma on 20.12.2017. Thereafter, the informant lodged the present F.I.R against 15 named persons including the appellant.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case due to previous enmity with regard to the land of Ram Janki Math. The F.I.R has been lodged after much delay and there is no explanation for the same. It is further submitted that father and brother of the deceased have not expressed any suspicion against the appellant and no witness has seen the appellant on spot. During the course of investigation also, no tangible evidence has been collected against the appellant. It is also submitted that on perusal of the F.I.R itself, it is apparent that there is no allegation of any abuse by caste name and as such, no case under SC/ST Act is made out against the



appellant. The appellant is in custody since 13.09.2022. similarly situated co-accused has already been granted bail by this Court vide order dated 04.05.2023 passed in Cr. Appeal (SJ) No. 2338 of 2022.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 26.06.2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST, Patna in connection with Dulhin Bazar P.S. Case No. 104 of 2020 (Special Case No. 262 of 2020).

(Sunil Kumar Panwar, J)

manishkumar/-

U			
---	--	--	--

