

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3538 of 2023

Arising Out of PS. Case No.-159 Year-2023 Thana- NAUBATPUR District- Patna

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Pintu Kumar S/O Satendra Ray R/O Village- Bhagwatipur, Ps. Bihta, Dist.
Patna

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ganesh Prasad Yadav

For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 09-11-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant.

2. The instant appeal has been filed by the appellant
against the order dated 07.07.2023 passed by learned
Exclusive Special Court SC/ST, Patna whereby the prayer for
bail of the appellant in connection with Naubatpur P.S. Case
No. 159 of 2023 under Sections 302, 34 of the Indian Penal
Code, section 27 of the Arms Act and Sections 3(2) (v) of
SC/ST Act was rejected.

3. Allegation against the appellant along with other
co-accused person is that they abused the informant's son and
co-accused, namely, Ankit Kumar opened fire by pistol upon



his son due to which he died during treatment.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics and previous enmity. 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. Nothing specific allegation has been levelled against the appellant rather the specific allegation of shot fire upon the deceased is against co-accused, namely, Ankit Kumar. Neither the petitioner is named in F.I.R. nor he has been put on T.I.P. His name sprang up in this case on the confessional statement of co-accused Ankit. The informant is not the eye witness of the alleged occurrence. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 18.03.2023. Similarly situated co-accused Bittu Kumar has been granted bail vide order dated 12.10.2023, passed in Cr. Appeal (SJ) No. 3466 of 2023.

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 07.07.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Naubatpur P.S. Case No. 159 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 Exclusive Special Court SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

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