

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4379 of 2021

Arising Out of PS. Case No.-541 Year-2020 Thana- TEKARI District- Gaya

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Akhilesh Kumar Son Of Sudama Paswan Resident Of Village - Baljori Bigha,
P.S.- Tekari, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ranjeet Chaudhary Baleshwar Chaudhary Village-Dihura Dariyapur,P.S-
Alipur,District-Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sharma

For the Respondent/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 24-08-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated

18.03.2021 passed by learned Exclusive Special Judge

SC/ST Act, Gaya in connection with Tekari P.S. Case No.

541 of 2020 instituted for the offences punishable under

Section 302/34 of the Indian Penal Code, Section 27 of

the Arms Act and Sections 3(i)(r)(s) of the SC/ST Act

whereby his prayer for being released on bail has been

rejected.

It is a case of commission of murder of the



minor son of the informant.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant is not named in the F.I.R nor he was apprehended from the spot. During investigation, no cogent material evidence was collected against the appellant except confession of the co-accused. The appellant himself belongs to the SC Community. Hence, the provision under SC/ST Act would not be applicable in the case of the appellant. The appellant is in custody since 14.11.2020. A statement has been made in para 3 of the petition that appellant has clean antecedent.

In contra, learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellant at the instance of the appellant, country made pistol was recovered which was used for commission of murder of the son of the informant.



Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 18.03.2021.

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 Judge, SC/ST Act, Gaya in connection with Tekari P.S. Case No. 541 of 2020 (G.R. No. 454 of 2020).

(Sunil Kumar Panwar, J)

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