

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3759 of 2023**

Arising Out of PS. Case No.-105 Year-2023 Thana- KISHANPUR District- Supaul

Lalu Kumar S/O- Balendra Yadav R/O- Jhakharahi Ward No-14, Ps-  
Kishanpur Dist- Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Thakni Devi wife of Laxmi Ram R/o- Jhakharahi Ward no-14 Ps- Kishanpur  
Dist- Supaul

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Bipin Bihari Singh  
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      05-10-2023                      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 13.07.2023 passed by learned  
Additional District and Sessions Judge, 1st-cum-Special  
Judge, SC/ST, Supaul whereby the prayer for bail of the  
appellant in connection with Kishanpur P.S. Case No. 105 of  
2023 under Sections 307, 302 and 34 of the Indian Penal  
Code and sections 3(i)(r)(s) and 3(2)(v) of SC/ST Act was  
rejected.

3. Allegation against the appellant along with other



co-accused person is that they assaulted the informant as well her husband. Further, one co-accused person, namely, Rupesh Kumar assaulted her husband by means of knife on different parts of his body due to which on the way, he died.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics. 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 of assault against the appellant rather the specific allegation of giving knife blow on the body of the informant's husband is against co-accused, Rupesh Kumar due to which her husband succumbed to injuries. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 30.04.2023.

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 13.07.2023. is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Kishanpur P.S. Case No. 105 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 Additional District and Sessions Judge, 1st-cum-Special Judge, SC/ST, Supaul.

(Sunil Kumar Panwar, J)

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