

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3770 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- KHAJEKALA District- Patna

Abhishek Kumar Verma @ Abhishek Mehta @ Baudha S/O Shivnath Prasad
@ Shivnath Prasad Verma Resident Of Village- Chhoti Pahari, New Bypass
Road Near Nahar, P.S.- Agamkuan, Dist.- Patna. Permanent Maternal House-
Pakki Goraiya, P.S.- Khejekalan, Dist.- Patna

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sunita Devi W/O Late Devi Choudhary R/O Village- Sadar Gali, Kali
Mandir, Adarsh Colony, P.S.- Khajekalan, Dist.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Kumar Tiwari
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-11-2023 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 01.08.2023 passed by learned
Exclusive Special Judge SC/ST, Patna whereby the prayer for
bail of the appellant in connection with Khajekalan P.S. Case
No. 35 of 2023 under Sections 302, 120B, 34 of the Indian
Penal Code and section 27 of the Arms Act and Sections 3(i)
(r)(s), 3(2)(va) of SC/ST Act was rejected.

3. Allegation against the FIR named accused



persons is that they in connivance with other co-accused persons came and started firing on the informant's husband due to which he sustained gunshot injuries and fell down.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case merely on the basis of confessional statement of co-accused which does not get evidentiary value in the eye of law. The appellant is not named in the FIR and no specific allegation of firing levelled against him. 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. It is further submitted that the appellant has not been put on TIP. Moreover, he is languishing in judicial custody since 01.04.2023.

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 01.08.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in



connection with Khajekalan P.S. Case No. 35 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 Judge SC/ST, Patna.

(Sunil Kumar Panwar, J)

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