

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3769 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- BIKRAM District- Patna

Bablu Kumar Son Of Ishwar Dayal Yadav Resident Of Village- Sarkuna, P.S-
Dulhin Bazar, District -Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Seema Devi Wife Of Late Dharmendra Kumar Resident Of Village-
Faridpur Baghakaul, P.S- Bikram, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Patanjali Rishi

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 14-09-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 14.07.2022 passed by learned Special Judge SC/ST Patna whereby the prayer for bail of the appellant in connection with Bikram PS Case No. 313 of 2022 under Sections 302, 120B of the Indian Penal Code, section 27 of the Arms Act and Sections 3(2)(v) of SC/ST Act was rejected.

The prosecution case, in brief, is that on 20.7.2022 at about 10.30 PM, while the husband of informant went on motorcycle along with his brother to attend his duty, at about 11.30 PM, brother of husband of informant came running and



informed that the FIR named accused person abused and surrounded them and thereafter, co-accused Rajesh Kumar fired from his pistol, which hit on chest of his brother (deceased) resulting into death of husband of the informant.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Specific allegation of causing death by gun shot injury is against Rajesh Kumar. General and omnibus allegation has been levelled against the appellant. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 29.04.2023 passed in Cr. Appeal (SJ) No. 3559 of 2022. Appellant is languishing in judicial custody since 28.09.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State.

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 20.07.2023 is hereby set aside.



The appellant is directed to be enlarged on bail in connection with Bikram P.S. Cae No. 313 of 2022 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 Special Judge, SC/ST, Patna.

(Sunil Kumar Panwar, J)

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