

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3470 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- GAYA MUFASIL District- Gaya

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KUNAL PANDEY @ KUNAL BABA @ KUNAL DUBE Son of Manoj
Pandey @ Manoj Dubey R/V- Manpur Gandhi Nagar, P.S- Muffasil, Dist-
Gaya Appellant/s

Versus

1. The State of Bihar
2. Akhilesh Chaudhary Son of Late Sonu Chaudhary R/V- Kumahar Toli near
Gandhi Nagar Mor, P.S- Muffasil, Dist- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Prithivi Raj Singh
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-02-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

The instant appeal has been filed by the appellant
against the order dated 29.08.2022 passed by learned Exclusive
Special Judge SC/ST Act, Gaya whereby the prayer for bail of
the appellant in connection with Muffasil P.S. Case no. 18 of
2022 registered under Sections 364, 302,34 of the Indian Penal
Code and sections 3(ii)(v) of SC/ST Act was rejected.

As per allegation in the FIR, son of the informant had
gone for taking hair cut and seven accused persons including the
petitioner have caught him and taken him to the bank of river
and killed him by assaulting.



It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. No specific allegation of assault is attributed to the appellant. No offence is made out under the provisions of the SC/ST Act against them. Appellant is languishing in judicial custody since 27.04.2022.

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 29.08.2022 passed in Muffasil P.S. Case No. 18 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Muffasil P.S. Case No. 18 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 Exclusive Special Judge SC/ST Act, Gaya.

(Sunil Kumar Panwar, J)

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