

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3981 of 2023

Arising Out of PS. Case No.-146 Year-2022 Thana- DUMRAO District- Buxar

=====

Rahul Rai Son Of Satyendra Rai R/O Vill - Hardiya, P.S. - Tarari, Distt. - Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sonu Upadhayay Son of Parash Upadhayay R/o vill - Majhariya, P.S. - Industrial Area Buxar, Distt. - Buxar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Ravi Shankar Pathak
For the Respondent/s : Mr.Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-11-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 11.08.2023 passed by learned Additional Sessions Judge 1st -cum-SC/ST Court and order dated 11.08.2023 passed by Additional Sessions Judge I,cum-Special Judge SC/ST Act, Buxar in Dumraon P.S. Case No. 146 of 2022 under Sections 394, 302 of the Indian Penal Code, Section 27 of Arms Act and Section 3(2) (V) of SC/ST Act was rejected.

3. As per the prosecution case, three miscreants looted Rs. 5,14,000/- from the manager of petrol pump and



while committing robbery shot at him. The injured was declared dead when he was taken to hospital. The name of the appellant transpired during the investigation as accused persons are involved in the commission of dacoity.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Neither the appellant is named in the appeal nor he has been put on T.I.P. The name of the appellant sprang up in this case on the basis of confessional statement of co-accused Umesh Singh. No offence is made out under the provisions of the SC/ST Act against them. He has not taken the caste name of the informant in public view and they had no intention to disgrace his image. Moreover the appellant is languishing in judicial custody since 22.07.2023. Similarly situated several co-accused persons have been granted Bail by this Court.

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

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to allow this appeal.



Accordingly, the appeal is allowed and the impugned order dated 11.08.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Dumraon P.S. Case No. 146 of 2022 in the event of arrest or surrender before the court below within a period of four weeks 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 A.D.J. 1st -cum- Special Judge SC/ST Court, Buxar or the concerned Court.

(Sunil Kumar Panwar, J)

Nirajkrs/-

U		T	
---	--	---	--

