

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4001 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- PARSABAZAR District- Patna

Prince Kumar S/O Sunil Rai R/O Village- Phulwariya, P.S- Maker, Distt.- Saran (CHHAPRA), Bihar, Present Address- Digha, P.O And P.S- Digha, Distt.- Patna.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Gaurav Kumar S/O Late Prem Kumar R/O Village- Pakadi Punpun, P.S- Punpun, Distt.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kameshwar Singh
For the Respondent/s : Mr.Sadanand Paswan

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 28.07.2023 passed by learned Exclusive Special Judge, SC/ST, Patna whereby the prayer for bail of the appellant in connection with Parsa Bazar P.S. Case no. 04 of 2023 under Sections 302, 120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) (va) of SC/ST Act was rejected.

3. It is case of commission of murder of the informant's father by the accused persons.

4. It is submitted by learned counsel for the



appellant that appellant is innocent and has committed no offence. The appellant is not named in the F.I.R. rather his name has been transpired in the present case during investigation on the basis of confessional statement of co-accused Vikash Kumar which has no evidentiary value in the eye of law. The appellant 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. There is no eye witness to the alleged occurrence. As per prosecution case, the deceased before death stated to the informant that Lalan had got him shot and with the aforesaid Lalan, Bablu Singh and they were further accompanied by four-five unknown persons. Except the suspicion and confessional statement of co-accused no other consistent evidence has come against the appellant to show his complicity in the alleged occurrence. Moreover, the appellant is languishing in judicial custody since 17.03.2023. Similarly situated co-accused, Dileep Kumar has been granted bail vide order dated 12.10.2023, passed in Cr. Misc. No. 2469 of 2023 by this Court.

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

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 28.07.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Special Case No. 07 of 2023 arising out of Parsa Bazar P.S. Case no. 04 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 Act, Patna.

(Sunil Kumar Panwar, J)

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