

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4185 of 2023

Arising Out of PS. Case No.-223 Year-2022 Thana- KHAJEKALA District- Patna

Salu @ Md. Danish Son Of Md. Haider Imam Resident Of Villege -SADAR
Gali, Lala Toli, Ps- Khajekalan, Dist- Patna

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sunita Devi Wife Of Devi Chaudhary Resident Of Villege -SADAR Gali,
Lala Toli, Ps- Khajekalan, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar

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, learned

Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 04.07.2023 passed by learned Exclusive Special Judge (SC/ST Act), Patna whereby the prayer for bail of the appellant in connection with Khajekalan P.S. Case no. 223 of 2022 under Sections 302, 120(B)/34 of the Indian Penal Code, Section section 27 of Arms Act and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act was rejected.

3. It is a case of commission of murder of the



informant's son, who had sustained fire arm injury and died during the course of treatment.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The appellant is not named in F.I.R. rather his name sprang up in this case on the confessional statement of Mama of the deceased, who himself admitted that he is not an eye witness of the alleged offence. 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. Moreover, the appellant is languishing in judicial custody since 20.04.2023

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 04.07.2023 is hereby set aside.



7.The appellant is directed to be enlarged on bail in connection with Khajekalan P.S. Case No. 223 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), Patna.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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