

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 4939 of 2021**

Arising Out of PS. Case No.-177 Year-2021 Thana- HARNAUT District- Nalanda

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1. SANTOSH KUMAR Son of Naresh Ram Resident of Village- Mudhari, P.S.-Harnaut, District- Nalnada
 2. Jitendra Ram Son of Tuntun Ram Resident of Village- Mudhari, P.S.-Harnaut, District- Nalnada
 3. Naresh Ram Son of Late Shyam Sundar Ram Resident of Village- Mudhari, P.S.-Harnaut, District- Nalnada
 4. Amrish Ram Son of Late Hanuman Ram Resident of Village- Mudhari, P.S.-Harnaut, District- Nalnada

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. Sri Bijendra Paswan Son of Late Dewki Paswan Resident of Village- Mudhari, P.O.- Mudhari, P.S.- Harnaut, District- Nalanda Pin 803110.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Indu Bhushan, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 05-07-2023 Heard learned counsel for the appellants, the State
and respondent no.2.

The present appeal is directed against the order dated
30.11.2021, passed in a case registered for the offence
punishable under Sections 147, 148, 149, 302 of the Indian
Penal and 27 of Arms Act and 3(2)(v) SC/ST Act, whereby



anticipatory bail of the appellants has been rejected.

As per the prosecution case, on account of old dispute, all the FIR named accused persons including these appellants armed with weapon came and on the order of co-accused Mally Ram, Shishupal shot dead the brother of informant.

It is submitted on behalf of the appellants that as per F.I.R it was on the order of co-accused Mallu Ram that co-accused Shishupal Kumar fired at brother of the informant due to which he died. There is no allegation of any overt act against these appellants. In the F.I.R there is no allegation of abuse by caste name as such no offence under section SC/ST is made out against them. Appellants claim clean antecedent.

Learned counsel for the state and respondent no.2 opposed the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 30.11.2021 is set aside.

Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight



weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned court of 3rd Additional Sessions Judge-cum-Special Judge of SC/ST Act, Bihar Sharif, Nalanda in connection with Harnaut P.S. Case No. 177 of 2021, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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