

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3172 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- AMBA District- Aurangabad

Rahul Kumar Son Of Upendra Pal @ Upendra Bhagat Resident Of Village- Jagdispur, Ps- Amba, Distt- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Yugeshwar Ram Son Of Late Hari Ram Resident Of Village- Tikri Road, Mini Bigha In Front Of S.D. Hospital, Ps- Aurangabad Town, Distt- Auragabad

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 4278 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- AMBA District- Aurangabad

Santosh Kumar Son Of Surydev Ram Village- Jagdishpur, Ps- Amba, Dist- Aurangabad

... .. Appellant/s

Versus

1. The State Of Bihar
2. Yugeshwar Ram S/O Late Hari Ram Village- Tikri Road, Mini Bigha, Ps- Town, Dist- Aurangabad

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3172 of 2023)

For the Appellant/s : Mr.Mukul Kumari

For the Respondent/s : Mr.Binay Krishna

(In CRIMINAL APPEAL (SJ) No. 4278 of 2023)

For the Appellant/s : Mr.Amit Anand

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 09-11-2023 Heard learned counsel for the appellants, learned

Special Public Prosecutor for the State and learned counsel for

the informant.



The instant appeal has been filed by the appellants against the order dated 29.05.2023 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST) Aurangabad whereby the prayer for bail of the appellants in connection with Amba P.S. Case no. 83 of 2023 under Sections 302 and 34 of the Indian Penal Code and sections 3(i) (r) (s), 3(2)(v) of SC/ST Act was rejected.

Allegations against the appellants along with other co-accused persons is that they committed murder of the son of the informant by strangulating him.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case village politics. They have 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 them. Nothing specific allegation has been levelled against the appellants rather general and omnibus allegations have been levelled against all of them. The informant is not the eye witness of the alleged occurrence. Nothing consistent material has come against the appellants to implicate in this alleged offence. A statement has been made in para-3 of these petitions that the appellants have got no criminal antecedent. Moreover, they are languishing in judicial custody



since 16.05.2023 and 17.04.2023 respectively.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 29.05.2023 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Amba P.S. Case No 83 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each of them with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge(SC/ST) Aurangabad.

(Sunil Kumar Panwar, J)

Manishkumar/-

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