

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4291 of 2023

Arising Out of PS. Case No.-523 Year-2021 Thana- BARH District- Patna

Guddu Singh @ Guddu Kumar Son Of Anil Kumar @ Anil Singh R/O Vill
Daulatpur Ps Warsaliganj Dist Nawada

... .. Appellant/s

Versus

1. The State Of Bihar
2. Dharamraj Kumar Son Of Sri Krishna Mohan Prasad Village- Gopkita, Ps-
Pandararak, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surendra Kishore Thakur
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-10-2023 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 05.08.2023 passed by learned Exclusive Special Court, SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with Barh P.S. Case no. 523 of 2021 under Sections 307, 302, 120B and 34 of the Indian Penal Code, section 27 of the Arms Act and Sections 3(2)(v) of SC/ST Act was rejected.

3. Allegation against the appellant along with other co-accused persons is to commit murder of one Rajesh Kumar Pabadarak by firearm and the reason behind this as alleged



occurrence is said to be political rivalry.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to political rivalry. He 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. The appellant is not named in FIR rather his name came into light in this case on the basis of confessional statement of co-accused person, namely, Jay Ram Kumar before the police and has already been granted bail by this Court vide Annexure-2 series of this petition. No any specific overt act against the appellant in this alleged offence. Moreover, he is languishing in judicial custody since 27.01.2023.

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 05.08.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Barh P.S. Case No. 523 of 2021 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 Court, SC/ST, Patna.

(Sunil Kumar Panwar, J)

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