

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4115 of 2023

Arising Out of PS. Case No.-168 Year-2023 Thana- LALGANJ District- Vaishali

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Aman Kumar Chaudhary @ Aman Kumar Son Of Upendra Chaudhary
Resident Of Village - Repura, P.S. - Lalganj, District - Vaishali

... .. Appellant/s

Versus

1. The State Of Bihar
2. Mukesh Paswan Son Of Kamleshwar Paswan Resident Of Village -
Pachdamiya, P.S. - Lalganj, District - Vaishali

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 4486 of 2023

Arising Out of PS. Case No.-168 Year-2023 Thana- LALGANJ District- Vaishali

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Premraj @ Ganesh Son Of Horil Paswan Resident Of Village-Ward No.22
Sirse Viran, P.S-Lalganj, District-Vaishali, Bihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 4115 of 2023)

For the Appellant/s : Mr.Mrityunjay Kumar

For the Respondent/s : Mr.Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 4486 of 2023)

For the Appellant/s : Mr.Archana Sinha @ Archana Shahi

For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-11-2023 In spite of issuing the notice, no one has turned up on
behalf of O.P. No.2 before this Court.

Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants



against the order dated 18.08.2023 passed by learned Exclusive Special Court (SC/ST Act), Vaishali at Hajipur whereby the prayer for bail of the appellants in connection with Lalganj P.S. Case no. 168 of 2023 under Sections 302 and 34 of the Indian Penal Code, section 27 of the Arms Act and Sections 3(2)(va) of SC/ST Act was rejected.

Allegation against the appellants along with other co-accused persons is that they committed murder of the informant's brother by firearm.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due 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. The appellants are not named in FIR rather their name came into light in this case on the basis of confessional statement of other co-accused person, namely, Aditya Thakur before the police which has got no evidentiary value in the eye of law. No any specific allegation of firing against the appellants. Except confession of other co-accused person, no any consistent material has found against them. Moreover, they are languishing in judicial custody since 04.07.2023.



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

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 18.08.2023 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Lalganj P.S. Case No 168 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 Exclusive Special Court SC/ST, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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