

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4799 of 2023**

Arising Out of PS. Case No.-567 Year-2022 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

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CHHOTU KUMAR @ CHOTU RAY SON OF PRAKASH MAHATO R/O  
VILLAGE- HEMRA TOLA, WARD NO.2, P.S.- MUFFASIL (LAKHO),  
DISTRICT- BEGUSARAI

... .. Appellant/s

Versus

1. The State of Bihar
2. PINK DEVI WIFE OF NUNUBABU PASWAN R/O VILLAGE- LAKHO,  
P.S.- MUFASIL, BEGUSARAI

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Vikram Anurag  
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
ORAL ORDER

3      30-11-2023                      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 18.08.2023 passed by learned court of Exclusive Special Judge, SC/ST(POA) Act, Begusarai whereby the prayer for bail of the appellant in connection with Muffasil (Lakho O.P.) P.S. Case no. 567 of 2022 under Sections 302, 201, 120(B) and 34 of the Indian Penal Code and section 3(2)(V) of SC/ST (POA) Act was rejected.

3. As per prosecution case, all the accused persons including this appellant have committed murder of the



informant's husband and thrown the dead body on the railway track for concealment of the evidence.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case merely on the basis of suspicion. The informant is not the eye witness of the alleged occurrence. The allegation against the appellant is general and omnibus in nature and there is no any specific overt act against him. 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. Similarly situated co-accused namely, Deepak Kumar @ Dipak Kumar has already been granted bail by another co-ordinate Bench of this Court vide order dated 14.07.2023 passed in Cr. Appeal (S.J.) No. 2129 of 2023. The appellant has got not criminal antecedent and languishing in judicial custody since 01.08.2023.

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 18.08.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Muffasil (Lakho O.P.) P.S. Case no. 567 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 court of Exclusive Special Judge, SC/ST(POA) Act, Begusarai.

**(Sunil Kumar Panwar, J)**

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