

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.64 of 2023

Arising Out of PS. Case No.-120 Year-2020 Thana- KALYANPUR District- Samastipur

RAUSHAN RAY @ RAUSHAN KUMAR YADAV @ ROSHAN ROY @
ROSHAN KUMAR YADAV S/O Hari Prasad Ray @ Hari Ray R/V-
Salampatti (Kamopur), P.S- Khanpur, District- Samastipur Appellant/s
Versus

1. The State of Bihar
2. Sanju Devi W/O Late Bhikhari Ray R/V- Kamopur, P.S-Khanpur, District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-02-2023 Heard learned counsel for the appellant, learned counsel for the informant. learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 01.12.2022 passed by learned Special Judge, SC/ST (POA) Act, Samastipur in Kalayanpur P.S. Case No. 120 of 2020 registered under Section 302, 201, 120(B) of the Indian Penal Code and section 3(1)(s)(r)/3(2)(va) of the SC/ST Act was rejected.

As per allegation in the FIR, husband of the informant and his neighbor Lalbabu Paswan both went out the house but did not return. During search on next they came to know that dead body of both were lying in a ditch. It is further alleged that



Ram Kamlesh Ray and Shambhu Paswan got one katha of land each registered from the husband of the informant but they did not pay the total money and with a view to misappropriate the consideration money, the accused persons killed the deceased.

It is submitted by learned counsel for the appellants that appellant has been falsely implicated in this case. Due to village politics. There is no eye witness of the alleged occurrence. No specific allegation is attributed against the petitioner. In confessional statement of co-accused Sagun Ray, the name of the petitioner has surfaced in the present case. No offence is made out under the provisions of the SC/ST Act against him. Appellant is languishing in judicial custody since 26.09.2022.

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 appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 01.12.2022 passed in Kalyanpur P.S. Case No. 120 of 2020 is hereby set aside.

The appellant is directed to be enlarged on bail in



connection with Kalyanpur P.S. Case No. 120 of 2020 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 Special Judge, SC/ST (POA) Act, Samastipur.

(Sunil Kumar Panwar, J)

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