

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4441 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- GAYA MUFASIL District- Gaya

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BHAYANKAR PASWAN SON OF RAMAVILASH PASWAN R/O
MOHALLA- MANPUR (GANDHI NAGAR), P.S.- MUFFASSIL,
DISTRICT- GAYA Appellant/s

Versus

1. The State of Bihar
2. AKHILESH CHAUDHARY SON OF LATE SONU CHAUDHARY R/O
MOHALLA- MANPUR KUMHAR TOLI, NEAR GANDHI NAGAR
MORE, P.S.- MUFFASIL, DISTRICT- GAYA Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sharma
For the Respondent/s : Ms.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 02-05-2023 Heard learned counsel for the appellant as well as

the learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the appellant under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 19.10.2022, in connection with Muffassil P.S. Case No. 18 of 2022, registered for offence punishable under sections 364, 302/34 of the Indian Penal Code and sections 3(ii) (v) of the SC/ST (POA) Act, whereby the prayer for bail of the appellant has been rejected.

As per allegation, the son of the informant had gone for taking hair cut. Meanwhile, seven accused persons, including the petitioner came there and assaulted him and



killed him.

The learned counsel for the appellant has submitted that the provisions of SC/ST is not attracted against the appellant. Co-accused Kunal Pandey @ Kunal Baba @ Kunal Dube and Kundan Tanti @ Kundan Kumar have been granted bail by the co-ordinate Benches of this Court in Criminal Appeal (SJ) Nos. 3470 of 2022 and 1290 of 2023.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 19.10.2022 is set aside.

Accordingly, the appellant, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in connection with Muffassil P.S. Case No. 18 of 2022.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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