

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.372 of 2023

Arising Out of PS. Case No.-174 Year-2021 Thana- MAHARAJGANJ District- Siwan

Rahul Kumar Singh @ Rahul Kr. Singh @ Rahul Singh Son Of Vijendra Singh @ Bijendra Singh Resident Of Village- Rukundipur, P.S.- Daraunda, District- Siwan

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Tiwary

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 04-01-2024 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 17.10.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan whereby the prayer for bail of the appellant in connection with Maharajganj P.S. Case no. 174 of 2021 under Sections 302, 120(B)/34 of the Indian Penal Code, Section 27 of Arms Act and Sections 3(i)(r)(s) of SC/ST Act was rejected.

3. As per prosecution case, it is alleged that while the elder brother of the informant was going to his house, in



the meantime, three persons including the petitioner came on a motorcycle and started abusing by taking his caste name and thereafter, co-accused Golu Singh fired upon his brother thrice, which resulted in to his death.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous enmity and dirty village politics. From perusal of the F.I.R., it is evident that there is no specific allegation of firing against the petitioner rather the allegation of firing is attributed against co-accused Golu Singh. Informant has not alleged anything against the appellant. 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. Moreover, the appellant is languishing in judicial custody since 20.09.2022. Similarly situated co-accused, namely, Rockey Singh @ Dipanshu Kumar has already been granted bail vide order dated 29.09.2022, passed in Cr. Appeal (SJ) No. 175 of 2022 passed by co-ordinate Bench of this Court.

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 17.10.2022 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Maharajganj P.S. Case No. 174 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 1st Additonal Sessions Judge-cum-Special Judge, Siwan.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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