

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.681 of 2024

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

Priyanshu Kumar @ Priyanshu Kumar Raj @ Chunnu, Aged about 20 year,
Male, S/O- Virendra Kumar @ Biru Rai, R/O- Village- Gurmiya, P.S.-
Kartahan, District- Vaishali At Hajipur.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Mukesh Paswan S/O- Kamleshwar Paswan R/O- Village- Panchdamiya,
P.S.- Lalganj, Dist.- Vaishali @ Hajipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sachin Kumar, Advocate
For the Respondent/s	:	Ms.Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 23-05-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 23.09.2023 passed by learned Court of Exclusive Special Judge (SC/ST Act)- cum -Additional District and Sessions Judge, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 168 of 2023 registered under Sections 302/34 of the Indian Penal Code, Section 3(2) (va) of SC/ST Act and Section 27 of the Arms Act.

3. As per F.I.R., the allegation against the appellant is that he along with other co-accused persons opened fire with pistol on brother of the informant, namely, Rakesh Paswan due



to which he sustained injuries and succumbed to injuries.

4. Learned counsel for the appellant submits that the appellant is innocent. The appellant is not named in the F.I.R. and he has falsely been implicated in the present case merely on the basis of confessional statement of co-accused Aditya Thakur, which has no evidentiary value in the eye of law. He has not taken the caste name of the informant in public view. Hence, no offence is made out under the provisions of the SC/ST Act against him. The appellant is in judicial custody since 04.07.2023.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail.

6. On perusal of the FIR and impugned order dated 23.09.2023, it appears that on the basis of written report of the informant Mukesh Paswan FIR was registered against one named accused person, namely, Aditya Kumar and three unknown person. Neither the appellant is named in the F.I.R. nor any incriminating article has been recovered from his possession. There is no any specific allegation of firing against the appellant. Co-accused Aditya Kumar @ Aaditya Thakur on whose confessional statement appellant has been implicated in this case, has already been granted bail by this Court vide order



dated 25.04.2024 passed in Cr. Appeal(SJ) No. 114 of 2024. Similarly situated co-accused persons have been granted bail by co-ordinate Bench of this Court vide order dated 30.11.2023 and 09.11.2023 passed in Cr. Appeal (SJ) No. 3404 of 2023 and Cr. Appeal (SJ) No. 4115 of 2023 with Cr. Appeal (SJ) No. 4486 of 2023.

7. Considering the facts and circumstances of the case, period of custody of the appellant and submission made on behalf of the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 23.09.2023 is hereby set aside.

8. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act)- cum -Additional District and Sessions Judge, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 168 of 2023.

(Ramesh Chand Malviya, J)

lata/-

U		T	
---	--	---	--

