

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.584 of 2024

Arising Out of PS. Case No.-159 Year-2023 Thana- NAUBATPUR District- Patna

Pinku Yadav @ Pikku Kumar, aged about 24 years, Male, son of Lutan Yadav @ Lutan Prasad, Resident of Village- Raganiyabad P.S.- Naubatpur District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lal Bihari Paswan, Son of Late Kailash Paswan, Resident of village- Ram Charan Chhatni, P.S-Naubatpur, District-Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl PP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 23-05-2024 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 21.12.2023 passed by learned Exclusive Special Court (S.C./S.T. Act), Patna whereby the prayer for bail of the appellant in connection with Special Case no. 137 of 2023 arising out of Naubatpur P.S. Case No. 159 of 2023 under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2) (v) of SC/ST Act was rejected.

3. As per prosecution case, the accused persons started abusing his informant's son by calling caste name



“Dusadh” which was protested by the son of the informant upon which Ankit Kumar shot at the chest due to which informant’s son had died.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence and has falsely been implicated in this case due to local dirty politics. There is no specific allegation against the appellant in the FIR. Appellant is never involved in any firing and abusing. Appellant has got no criminal antecedent as stated in para 3 of the petition is in judicial custody since 01.04.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

6. From perusal of the F.I.R. and impugned order dated 21.12.2023, it appears that on the basis of written report of informant namely, Lal Bihari Paswan, F.I.R. registered against the 5 accused persons including this appellant. In the impugned order passed by learned Exclusive Special Court (SC/ST Act), Patna, it appears that the allegation against the petitioner and other co-accused persons that they have abused the son of the informant namely Nandlal Kumar. When informant’s son objected, co-accused Ankit Kumar fired bullet on his chest from his pistol and during treatment informant’s son died. From



perusal of the records, it also appears that there is sufficient materials are available about the involvement of the accused persons in the occurrence. There is no specific allegation against the petitioner and after investigation chargesheet has already been submitted in this case and there is no any chance of tampering with the evidence. The post-mortem report shows that the cause of death is due to traumatic asphyxia and shock due to haemorrhage caused by firearm. Similarly situated co-accused persons namely Pintu Kumar and Bittu Kumar @ Bitu Yadav have already been granted bail by a co-ordinate Bench of this Court in Cr. Appeal (SJ) Nos. 3538 of 2023 and 3466 of 2023 vide orders dated 09.11.2023 and 12.10.2023, respectively.

7. Considering the facts and circumstances of the case and submissions made on behalf of the appellant and also the fact that similarly situated appellants have already been granted bail by a co-ordinate Bench of this Court and also considering the period of custody of the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 21.12.2023 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 Court (S.C./S.T. Act), Patna in connection with Special
Case No. 137 of 2023 arising out of Naubatpur P.S. Case No.
159 of 2023.

(Ramesh Chand Malviya, J)

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