

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.640 of 2024**

Arising Out of PS. Case No.-560 Year-2023 Thana- GAURICHAK District- Patna

Ram Balak Ram @ Chunnu S/O Gopal Ram R/O Village- Bhirpar, Ps.-  
Gaurichak, Distt. Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Punam Devi W/O Guddu Paswan Village- Jalalpur, Ps. Dhanarua, Dist.  
Patna.

... .. Respondent/s

**Appearance :**

|                      |   |                                                           |
|----------------------|---|-----------------------------------------------------------|
| For the Appellant/s  | : | Ms.Anamika Anshu, Advocate<br>Mr. Amaresh Kumar, Advocate |
| For the Respondent/s | : | Ms.Usha Kumari I, SPP                                     |
| For the Informant    | : | Mr. Akshay Kumar, Advocate                                |

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

5      09-08-2024                      Heard learned counsel for the appellant, learned  
Special Public Prosecutor for the State and learned counsel for  
the informant/Respondent No.2.

2. The instant appeal has been filed by the appellant against the order dated 08.11.2023 passed by learned Exclusive Special Judge(SC/ST), Patna in Serial Case No. 373 of 2023 whereby the prayer for bail of the appellant in connection with Gaurichak P.S. case No. 560 of 2023 under Sections 147, 148, 149, 341, 323, 307, 302, 337, 338/34 of the Indian Penal Code and Section 3(i)(r)(s)(w)/3(2)(v)(a) of SC/ST Act was rejected.

3. Prosecution case, in short, is that the accused



persons were involved in committing murder of the informant's husband by assaulting with lathi-danda, iron rod and bricks.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. The appellant is not named in the F.I.R. and his name has transpired on suspicion on the basis of CCTV footage. Charge-sheet has been submitted in this case. There is no specific overt act is alleged against the appellant. The appellant has no concern with the alleged occurrence. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 02.10.2023 and has no criminal antecedent. Similar co-accused has been granted bail by this Bench vide order dated 16.05.2024 passed in Cr. Appeal (S.J.) No. 819 of 2024.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant. Learned SPP states that the name of the appellant has transpired on the basis of CCTV footage.

6. Considering the aforesaid facts and circumstances



of the case, appellant being not named in the F.I.R., claim based on parity and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 08.11.2023 passed by learned Exclusive Special Judge(SC/ST), Patna in Serial Case No. 373 of 2023 is hereby set aside.

7. 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 Court below/concerned Court in connection with Gaurichak P.S. case No. 560 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

**(Rudra Prakash Mishra, J)**

Pankaj/-

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