

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.687 of 2024

Arising Out of PS. Case No.-392 Year-2022 Thana- ALOULI District- Khagaria

Deepak Kumar Son of Mahesh Yadav Resident of Village- Hathwan, P.S.-
Alauli, Dist.- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Shayam Sundar Sah Son of Late Bindeshwari Prasad Gupta Resident of
Village- Hathwan, P.S.- Alauli, Dist.- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shekhar Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-07-2024 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 10.01.2024 passed by learned Additional Sessions Judge 1st-cum-Special Judge SC/ST Act, Khagaria whereby the prayer for bail of the appellant in connection with Alauli P.S. Case no. 392 of 2022 under Sections 353, 332, 307, 302, 120(b)/34 of the Indian Penal Code and sections 27 Arms Act and Section 3(2)(V) of SC/ST Act was rejected.

3. As per allegation in the FIR, co-accused Prafull and Rahul opened fire due to which upon Jai Narayan Paswan received bullet injury over his chest and he died. Informant also



sustained fire arm injury on his leg.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Specific allegation of opening fire is against Praful and Rahul Kumar and not against the appellant. Appellant is not named in the FIR rather his name surfaced in confessional statement of Rahul Kumar, who is named accused. Save and except confessional statement, nothing has come against he appellant to show his involvement in the present case. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. Similarly situated other accused person has already been enlarged on bail by this Court vide order dated 21.9.2023 passed in Cr. Appeal (SJ) No. 2799 of 2023. Appellant is languishing in judicial custody since 19.11.2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and submitted that appellant is a notorious criminal and two more cases of like nature, are pending against him.

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 10.1.2024 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Alauli P.S. Case No. 392 of 2022 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 Additional Sessions Judge 1st-cum-Special Judge SC/ST Act, Khagaria.

(Sunil Kumar Panwar, J)

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