

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1070 of 2024

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

Lakshya Tiwari @ Baba @ Lakha, Male, Aged about 21 years, Son Of
Chunnu Tiwari @ Sunil Tiwari @ Chunnu Tripathi, Resident Of Village -
Gurmia, P.S. - Kartahan, District - Vaishali

... .. Appellant/s

Versus

1. The State Of Bihar
2. Mukesh Paswan, Son Of Kamleshwar Paswan, Resident Of Village -
Panchdamian, P.S. - Lalganj, District - Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Chandra Gandhi, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Spl. P.P.

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

ORAL ORDER

4 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 27.01.2024 passed by learned Exclusive Special Court (SC/ST Act)-cum-Additional District and Sessions Judge, Vaishali at Hajipur whereby the prayer for bail of the appellant in connection with Lalganj P.S. Case no. 168 of 2023 under Sections 302/ 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(va) of SC/ST (POA) Act was rejected.

3. Allegation against the appellant along with other co-accused persons is that they committed murder of the



informant's brother by firearm.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case due to previous enmity and dirty village politics. 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. The appellant is not named in FIR rather his name came into light in this case on the basis of confessional statement of other co-accused person, namely, Aditya Thakur before the police which has got no evidentiary value in the eye of law. No any specific allegation of firing against the appellant. Except the confession of other co-accused person, no any consistent material has found against him to show his involvement in the alleged occurrence. Similarly situated co-accused persons namely, Aman Kumar Chaudhary @ Aman Kumar and Premraj @ Ganesh have already been granted bail by a co-ordinate Bench of this Court vide order dated 09.11.2023 passed in Cr.Appeal(SJ) No. 4115 of 2023 and Cr. Misc. No. 4486 of 2023 respectively. Moreover, he is languishing in judicial custody since 23.12.2023.

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



6. 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 27.01.2024 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 the learned learned Exclusive Special Court (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)

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