

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1027 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- BARHARA KOTHI District- Purnia

1. Buchcho Thakur @ Brajmohan Thakur @ Buchho Thakur Son Of Late Polay Thakur Resident Of Village - Bhangha Tula, P.S. - Barhara Kothi, District - Purnea
2. Abhishek Thakuar @ Abhishek Kumar @ Abisek Thakur Son Of Hira Lal Thaur Resident Of Village - Bhangha Tula, P.S. - Barhara Kothi, District - Purnea

... .. Appellant/s

Versus

1. The State Of Bihar
2. Dil Khush Kumar Son Of Lakhan Rishideo Resident Of Village - Bhangha Tula, P.S. - Barhara Kothi, District - Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kamal Kishore Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 23-04-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the orders dated 07.02.2024 passed by learned Special Judge, (SC/ST) Act, Purnea in connection with Barhara P.S. Case No. 179 of 2023 registered under Sections 302 and 201/34 of IPC and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act by which the prayer for bail of the appellants was rejected.

4. As per the allegation, it is alleged that grand father



of the informant Seebo Rishidev has been killed by the accused persons including the appellants and they have been abused by caste name.

5. It is submitted by learned counsel for the appellants that the appellants have been falsely implicated in this case. He next submits that they have 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 them. Nothing specific allegation has been levelled against the appellants. He next submits that the informant is not an eye witness of the said occurrence. The name of the appellants surfaced only on the basis of confessional statement of the co-accused. Appellants are in jail custody since 31.10.2023. He next submits that similarly situated co-accused have been granted bail by this Court passed in Cr.Appeal (SJ) Nos. 4779 of 2023, 4767 of 2023 and 4791 of 2023.

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

7. On perusal of the entire case diary and other materials available on record, it appears that there is no eye witness to the occurrence and only hearsay evidence is against the appellants. So, I am inclined to grant bail to the appellants.



8. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow these appeals.

9. Accordingly, these appeals are allowed and the impugned order dated 07.02.2024 is hereby set aside.

10. The appellants are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Court below / concerned Court in connection with Barhara P.S. Case No. 179 of 2023.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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