

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1151 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Amit Singh @ Amit Kumar Singh, Aged about 20 years, Gender-Male, Son
Of Lakshmi Narayab Singh @ Lakkshmi Singh @ Laxmi Narayan Singh,
Resident of Village- Kinarchola, P.S.- Bhagwanpur, District -Kaimur

... .. Appellant/s

Versus

1. The State of Bihar
2. Brajesh Ram, Son Of Late Basgeet Ram, Resident of Village- Kinarchola,
P.S.- Bhagwanpur, District -Kaimur

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Bhaskar Shankar, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
For the Informant	:	Mr. Tribhuwan Narayan, Advocate

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**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 07.02.2024 passed by learned Additional
Sessions Judge-I-cum-Special Court, SC/ST(POA) Act, 1989,
Kaimur at Bhabhua whereby the prayer for bail of the appellant in
connection with Bhagwanpur P.S. Case no 93 of 2023 under
Sections 302, 342, 504, 506/34 of the Indian Penal Code, Section
27 of the Arms Act and Sections 3(i)(r)(s), 3(2)(v) of SC/ST
(POA) Act was rejected.



3. As per prosecution case, the appellant and other co-accused persons having with arms came and started abusing to the brother of the informant by taking his caste name. The appellant gave rifle to co-accused Dhananjay Kumar Singh, who opened fire upon the informant's brother at his chest due to which he died on the spot.

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. He not taken the caste name of the informant in public view. Hence, no offence is made out under the provisions of the SC/ST Act against him. There is no specific allegation of firing against the appellant rather allegation of firing is levelled against the co-accused Dhananjay Kumar Singh due to which informant's brother succumbed to injuries. The appellant has got no criminal antecedent as stated in para 3 of the petition. The other co-accused persons namely, Bijendra Singh and Alok Singh have already been granted bail by this Court vide order dated 05.03.2024 passed Cr. Appeal(SJ) No. 5094 of 2023. Moreover, he is languishing in judicial custody since 09.04.2023.

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., case diary and impugned order dated 07.02.2024, it appears that on the basis of written



report of informant Brajesh Ram F.I.R. registered against four accused persons including the present appellant. It also appears that that appellant is only order giver and the specific allegation of firing upon the deceased is against co-accused Dhananjay Kumar.

7. 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 07.02.2024 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 Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, 1989, Kaimur at Bhabua in connection with Bhagwanpur P.S. Case No.93 of 2023 with condition that the appellant shall present physically on each and every date before the Trial Court till conclusion of the trial.

(Ramesh Chand Malviya, J)

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