

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1571 of 2024

Arising Out of PS. Case No.-170 Year-2023 Thana- DEEPNAGAR District- Nalanda

Vikash Kumar @ Rajesh Kumar S/O Bajrandi Prasad Sharma R/O Village-
Simra, P.S- Janipur, Distt.- Patna ... Appellant

Versus

1. The State Of Bihar
2. Shishupal Paswan S/O Anil Paswan R/O Village- Manichak, P.S- Deepnagar,
Distt.- Nalanda.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Sudhir Kumar, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P
for respondent no.2		Mr. Virendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 22-11-2024 Heard learned counsel for the appellant, the State and
respondent no.2.

2. The instant appeal has been filed by the appellant against the order dated 1.2.2024 passed in a case registered under Sections 147, 148, 149, 342, 302 of the Indian Penal Code and sections 25(1-b)a, 26, 27, 35 of the Arms Act and Sections 3(i)(r)(s), 3(2)(v) of SC/ST Act, by which his regular bail has been rejected.

3. As per prosecution case, the informant alleged that while his uncle was going towards market, in the meantime all the FIR named accused persons including $\frac{3}{4}$ unknown miscreants boarded on motorcycle came and due to previous land and money dispute, fired upon the uncle of the informant due to which his uncle sustained several gunshot injuries and died.

4. It is submitted by learned counsel for the appellant



that appellant has been falsely implicated in this case due to previous money dispute. Appellant is not named in the FIR. There is no eye witness of the occurrence and as a matter of fact deceased was notorious criminal of the area and he might have been killed by his enemies. It is not the case of the informant that the appellant has taken the caste name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against him. Charge sheet has already been submitted and appellant is in custody since 4.5.2023.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. Let the appellant, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge, SC/ST Act, Nalanda at Biharsharif in SC & ST Case No. 86/2023, arising out of Deepnagar Police Station Case No. 170 of 2023.

(Prabhat Kumar Singh, J)

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