

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1623 of 2024

Arising Out of PS. Case No.-1083 Year-2023 Thana- GAYA MUFASIL District- Gaya

Sunil Das @ Sunil Ravidas son of Late Dhibar Ravidas @ Ram Krit Ravidas
Village- Baradih Ps- Muffasil Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Rishi Kumar son of Pappu Ravidas Village- Baradih Po- Baragandhar, Ps- Muffasil Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satyaveer Jha, Advocate

For the Respondent/s : Mr. Binay Krishna, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 05-10-2024 **1.** Heard learned counsel for the appellant, learned Special P.P. for the State, Mr. Binay Krishna and learned counsel appearing on behalf of respondent no.2.

2. The appellant seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 302, 504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the ST/ST Act.

3. Learned counsel for the appellant submits that the appellant is in custody since 23.10.2023, with clean antecedent and has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the



informant alleges that the deceased was surrounded by the named accused persons as well as unknown accused persons. Further, five accused persons had caught the deceased from behind while three accused persons namely, Raushan Paswan, Sagar Kumar and the appellant are alleged to have fired causing death of the deceased. Learned counsel for the appellant further submits that it absolutely does not stand to reason that if five persons had caught the deceased from behind and three persons fired, then, how come there is only one fire-arm injury in the postmortem report. It is thus submitted that the informant has tried to implicate all the accused persons for reasons best known to him.

4. It is also submitted that the appellant also belongs to the Scheduled Caste community, as such, the SC/ST Act would not get attracted against him.

5. Learned Special P.P. for the State and the learned counsel for the respondent no.2 oppose the appeal, but then, are not in a position to rebut the submission for the learned counsel appearing on behalf of the appellant that in the postmortem report, only one fire-arm injury was found. Further, the learned counsel appearing on behalf of the respondent no.2 fairly submits that even appellant belongs to the Scheduled Caste



community.

6. Considering the submission made by learned counsel for the appellant, let the appellant above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mufassil P.S. Case No. 1083 of 2023.

(Satyavrat Verma, J)

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