

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1970 of 2024

Arising Out of PS. Case No.-220 Year-2023 Thana- KADWA District- Katihar

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Banua @ Md. Banua @ Majrul @ Md.Majrul, Male, Aged about 46 years,
Son Of Ahmad Hussain, Resident Of Village - Kujibana, P.S.- Kadwa, District
- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Pramod Kumar Rai, Male, Aged about 31 years, Son Of Soma Ray,
Resident Of Village - Kujiwana, P.S - Kadwa, District- Katihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Md. Helal Ahmad, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

3 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 06.03.2024 passed by learned Additional Sessions Judge 1st-cum-Special Judge, SC/ST Act, Kaithar whereby the prayer for bail of the appellant in connection with Kadwa P.S. Case no.220 of 2023 under Sections 307, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(2)(va) of SC/ST (POA) Act was rejected.

3. The allegation against the appellant is to have tried to commit murder of informant's brother due non-fulfillment of demand of ransom amount.



4. It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case due to previous enmity. He has 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. It is further submitted that as per statement of injured Ram Prasad Rai, the gunshot fired by co-accused Shakir Reza, which hit on his chest whereas the gunshot fired by the appellant did not hit to the injured, so the allegation against the appellant is false and fabricated. In similar situation co-accused namely, Shakir Reza @ Sakir Reja has already been granted bail by a co-ordinate Bench of this Court vide order dated 02.05.2024 passed in Cr. Appeal(SJ) No. 1366 of 2024 and other co-accused persons have also been granted bail by this Court vide order dated 28.02.2024 and 18.04.2024 passed in Cr. Appeal(SJ) No. 5515 of 2023 and Cr. Appeal (SJ) No. 5165 of 2023. Moreover, the appellant is languishing in judicial custody since 02.01.2024.

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

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 06.03.2024 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 Additional Sessions Judge 1st -cum-Special Judge, SC/ST Act, Katihar in connection with Kadwa P.S. Case No. 220 of 2023.

(Ramesh Chand Malviya, J)

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