

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2031 of 2024

Arising Out of PS. Case No.-4 Year-2023 Thana- PARSABAZAR District- Patna

Suraj Kumar Rai @ Suraj Kumar @ Dada Sahib son of Shree Sanjay Kumar
Rai Village- Patrahi Kala Ps- Bheldi Dist- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Gaurav Kumar son of Late Prem Kumar R/o- Pakri Punpun Ps- Punpun Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amir Alam, Advocate
For the Respondent/s : Mr.Binay Krishna, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 09-08-2024 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State. None has appeared on behalf of the informant/Respondent No.2 although notice was validly served on Respondent No. 2 as reported by the Office.

2. The instant appeal has been filed by the appellant against the order dated 06.03.2024 passed by learned Exclusive Special Judge, SC/ST Patna in Special Case No. 99 of 2023 whereby the prayer for bail of the appellant in connection with Parsa Bazar P.S. case No. 04 of 2023 under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms and Sections 3(2)(v)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that the accused



persons committed murder of the father of the informant.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. The appellant is not named in the F.I.R. and his name has transpired on the basis of confessional statement of co-accused namely Vikash Kumar. The appellant has no concern with the alleged occurrence. The appellant has not been put on Test Identification Parade to ascertain his participation in the alleged occurrence. In course of investigation, the statement of injured was recorded who did not name the appellant. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 21.02.2024 and has no criminal antecedent. Similar co-accused has been granted bail by this Bench vide order dated 14.03.2024 passed in Cr. Appeal (S.J.) No. 5224 of 2023.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.



6. Considering the aforesaid facts and circumstances of the case, appellant being not named in the F.I.R., claim based on parity and and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 06.03.2024 passed by learned Exclusive Special Judge, SC/ST Patna in Special Case No. 99 of 2023, 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 Court below/concerned Court in connection with Parsa Bazar P.S. case No. 04 of 2023.

(Rudra Prakash Mishra, J)

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