

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

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

NAVIN KUMAR @ NAVEEN KUMAR SON OF LATE PRIYA KUMAR
RANJAN RESIDENT OF VILLAGE - GARKHA CHANPUR,
MATHIYAPUR, P.S. - BHELDI, DISTRICT - SARAN, CHHAPRA AT
PRESENT RESIDENCE - MOHALLA - SULTANPUR PATTHAR GALI,
DANAPUR, P.S. - SULTANPUR, DISTRICT - PATNA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. GAURAV KUMAR SON OF LATE PREM KUMAR RESIDENT OF
VILLAGE - PAKDI PUNPUN, P.S. - PUNPUN, DISTRICT - PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brajesh Prasad Gupta, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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

ORAL ORDER

6 30-08-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant and perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 27.03.2024 passed by learned Exclusive
Special Judge, SC/ST Act, Patna Special Case No. 99 of 2023
and Serial No. 07 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 Act and 3(2)(v)(va) of SC/ST Act
was rejected.



3. The 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 has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel further submits that appellant is not named in the FIR. The name of the appellant has transpired on the basis of confessional statement of co-accused Vikash Kumar. 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. Learned counsel further submits that only material against the appellant is the confessional statement of the co-accused Vikash Kumar before the police which has no evidentiary value in the eye of law. The appellant is in custody since 06.09.2023 and has no criminal antecedent. The co-accused person has already been granted bail by this Bench vide order dated 09.08.2024 passed in Criminal Appeal (SJ) No. 2031 of 2024.

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, no material against the appellant except the confessional statement of the co-accused 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 27.03.2024 passed by learned Exclusive Special Judge, SC/ST Act, Patna Special Case No. 99 of 2023.

7. Let the appellant, abovenamed, 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.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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