

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2316 of 2023

Arising Out of PS. Case No.-392 Year-2022 Thana- ALOULI District- Khagaria

RAJEEV KUMAR S/O PRAMOD YADAV R/O Village- Hathwan, P.S-
Alauli, Distt.- Khagaria.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Shyam Sundar Sah son of late Bindeshwari Sah resident of village-
Hathwan, P.S.- Alauli, District-Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Indrajit Kumar
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-01-2024 Though notice has been issued to O.P. No. 2, no one
has turned to assist the Court.

2. Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

3. The instant appeal has been filed by the appellant
against the order dated 18.5.2023 passed by learned Additional
Sessions Judge 1st-cum-Special Judge SC/ST Act, Khagaria
whereby the prayer for bail of the appellant in connection with
Alauli P.S. Case no. 392 of 2022 under Sections 353, 332, 307,
302, 120(b)/34 of the Indian Penal Code and sections 27 Arms
Act and Section 3(2)(V) of SC/ST Act was rejected.

4. As per allegation in the FIR, co-accused Prafull and



Rahul opened fire upon Jai Narayan Paswan which hit his Panjara and he succumbed to bullet injury. It is further alleged that informant has also received fire arm injury on his leg.

5. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Specific allegation is against Praful and Rahul Kumar and not against the appellant. Appellant is not named in the FIR rather his name surfaced in confessional statement of Rajeev Kumar, who is also not named accused. Save and except confessional statement, nothing has come against he appellant to show his involvement in the present case. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 2.11.2023 passed in Cr. Appeal (SJ) No. 2432 of 2023. Appellant is languishing in judicial custody since 21.09.2022.

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

7. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow



this appeal. Accordingly, the appeal is allowed and the impugned order dated 18.5.2023 is hereby set aside.

8.The appellant is directed to be enlarged on bail in connection with Alauli P.S. Case No. 392 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st-cum-Special Judge SC/ST Act, Khagaria.

(Sunil Kumar Panwar, J)

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