

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2146 of 2024

Arising Out of PS. Case No.-159 Year-2023 Thana- NAUBATPUR District- Patna

Bhawani Yadav @ Randhir Kumar Son of Akhilesh Yadav @ Akhilesh Prasad
R/O Vill. Raganiyabag, P.S.- Naubatpur, Dist.- Patna

... .. Appellant/s

Versus

1. The State Of Bihar Patna
2. Lal Bihari Paswan Son of Late Kailash Paswan R/O Vill.- Ram Charan Chatni, P.S.- Naubatpur, Dist.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bijay Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 12-07-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 02.03.2024 passed by learned Court Exclusive Special Court, (SC/ST) Act, Patna in Special Case No. 137 of 2023 arising out of Naubatpur P.S. Case No. 159 of 2023 registered under Sections 302/34 IPC and Section 27 of the Arms Act and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by which the prayer for bail of the appellant was rejected.

3. Allegation against the appellant and other co-



accused person is that they abused the informant's son by using caste name and co-accused Ankit Kumar fired by his pistol on the chest of the son of the informant due to which he sustained injury and fell down and during treatment his son died.

4. It is submitted by learned counsel for the appellant that the appellant has been falsely implicated in this case due to village politics and previous enmity. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. Nothing specific allegation has been levelled against the appellant rather the specific allegation of shot fire upon the deceased is against co-accused, namely, Ankit Kumar. His name sprang up in this case on the confessional statement of co-accused Ankit. The informant is not the eye witness of the alleged occurrence. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 20.01.2024. Similarly situated co-accused Pintu Nonia has been granted bail vide order dated 20.04.2024, passed in Cr. Appeal (SJ) No. 4916 of 2023.

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



6. Having heard learned counsel for the parties and taking into consideration the fact that there is general and omnibus allegation against the appellant and one of the co-accused has been granted bail, the court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 02.03.2024 is hereby set aside.

7. The appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST Act, Patna in connection with Special Case No. 137 of 2023 arising out of Naubatpur P.S. Case No. 159 of 2023.

(Ramesh Chand Malviya, J)

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