

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1654 of 2024

Arising Out of PS. Case No.-340 Year-2023 Thana- BELAGANJ District- Gaya

Ranjeet Kumar @ Ranjit Kumar S/o Rajkumar Yadav R/o Village Nimcha
Police Station Belaganj District Gaya Bihar

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Ramashish Chaudhry S/o Late Devnath Chaudhry R/o vill - Balma, P.S. - Chandauti, Distt. - Gaya

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 2212 of 2024

Arising Out of PS. Case No.-340 Year-2023 Thana- BELAGANJ District- Gaya

- 1. Mahesh Yadav Son of Kuldeep Yadav Resident of Village- Nimchak, P.S- Belaganj, Dist- Gaya
- 2. Vikash Kumar @ Vikas Yadav Son of Shiv Kumar Yadav Resident of Village- Nimchak, P.S- Belaganj, Dist- Gaya
- 3. Prince Kumar Son of Mithlesh Yadav Resident of Village- Nimchak, P.S- Belaganj, Dist- Gaya
- 4. Rakesh Kumar Son of Mahesh Yadav Resident of Village- Nimchak, P.S- Belaganj, Dist- Gaya

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Ramashish Chaudhary Son of Late Devnath Chaudhary Resident of Village- Balna, P.S- Chandauti, Dist-Gaya

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 1654 of 2024)
For the Appellant/s : Mr.Diksha Kumari
For the Respondent/s : Mr.Usha Kumari 1
(In CRIMINAL APPEAL (SJ) No. 2212 of 2024)
For the Appellant/s : Mr.Shailesh Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 21.02.2024 and 15.03.2024 passed by learned Exclusive Special Judge, SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Belaganj P.S. Case no. 340 of 2023 under Sections 147, 148, 149, 302, 120(B) of the Indian Penal Code and sections 3(2)(v) of SC/ST Act was rejected.

3. Allegation against the appellants and other co-accused persons is that they abused the son of informant, namely, Kamlesh Kumar and assaulted him by means of lathi, danda and iron rod. When the informant along with his relatives reached at the spot, he got information that his son was killed and thrown in a ditch.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case merely on the basis of suspicion. They have 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. There is no specific allegation against the appellants rather

the allegation levelled against them is general and omnibus. A statement has been made in para 3 of the appeal that appellants have got no criminal antecedent. Similarly situated co-accused namely, Mithlesh Yadav has already been granted bail vide order dated 08.02.2024, passed in Cr. Appeal (SJ) 4891 of 2023 by this Court.

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

6. 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 21.02.2024 and 15.03.2024 is hereby set aside.

7. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the appellants on bail. The appellants are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Belaganj P.S.

Case no. 340 of 2023, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/St Act, Gaya subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Nirajkrs/-

U		T	
---	--	---	--