

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2770 of 2024**

Arising Out of PS. Case No.-435 Year-2023 Thana- TRIVENIGANJ District- Supaul

Pradeep Kumar @ Pradeep Yadav Son of Nago Yadav Village- Daparkha
(Ward No. 24), P.S.- Triveniganj, Distt.- Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjeet Sardar Son of Anand Sardar Daparkha (Ward No. 24), P.S.-
Triveniganj, Distt.- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajiv Ranjan Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP \
For the Informant	:	None

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

ORAL ORDER

4 27-09-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. However, none appears
on behalf of the informant in spite of valid service of notice.

2. The instant appeal has been filed by the appellant
against the order dated 01.05.2024 passed by learned Additional
Sessions Judge-1st-cum-Special Judge(SC/ST), Supaul whereby
the prayer for bail of the appellant in connection with
Triveniganj P.S. Case No. 435 of 2023(SC/ST Case No. 90 of
2023) under Sections 341, 323, 324, 307, 504, 34 of the Indian
Penal Code, Section 27 of the Arms Act and Section 3(i)(r)
(s)/3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that co-accused



persons including the appellant have assaulted the brother of the informant. It is further alleged that co-accused, namely, Manish Yadav fired upon the Balram Kumar, due to which he sustained injury.

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. There is general and omnibus allegation against the appellant. There is no specific allegation levelled against the appellant, rather specific allegation of firing is against co-accused, namely, Manish Yadav. 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 04.04.2024, and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant. It is submitted that from perusal of the paragraph No. 64 of the case diary, it would emerge that appellant were involved in the occurrence.



6. Considering the aforesaid facts and circumstances of the case and the fact that there being no direct allegation against the petitioner as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 01.05.2024 passed by learned Additional Sessions Judge-1st-cum-Special Judge(SC/ST), Supaul is set aside.

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 Triveniganj P.S. Case No. 435 of 2023 (SC/ST Case No. 90 of 2023).

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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