

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2981 of 2024

Arising Out of PS. Case No.-161 Year-2023 Thana- KHIRI MORE District- Patna

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Ganesh Sao @ Ganesh Prasad @ Hippie Son Of Late Chutir Sao @ Chutur
Sao Resident Of Village - Imamganj, P.S. - Khirimore (Imamganj), District -
Patna

... .. Appellant/s

Versus

1. The State Of Bihar Bihar
2. Geeta Devi Wife Of Subash Paswan Resident Of Village - Imamganj, P.S. -
Khirimore (Imamganj), District - Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Sinha, Adv.
For the informant	:	Mr. Pramod Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 01-08-2024 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

2. Affidavit on behalf of the respondent no. 2 has been
filed in course of the day which is kept on the record.

3. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer of bail of
the appellant vide order dated 28.05.2024 passed by the learned
Exclusive Special Judge, SC/ST Act, Patna in connection with
Special Case No. 29/2024 (Serial No. 396/23) arising out of
Khirimore (Imamganj) P.S. Case No. 161 of 2023 dated



24.10.2023 registered for the alleged offences punishable under Sections 302, 120B, 341, 323 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(2) (va) of the Scheduled Castes and Scheduled Tribes Act.

4. As per prosecution case, on 24.10.2023, the co-accused, Sushil Kumar came to the house of the informant and took the informant's husband away with himself to his house. Thereafter, the informant's neighbour Sujit Paswan came and informed her that someone had shot her husband in the house of the co-accused, Sushil Kumar. The informant reached the place of occurrence, she found her husband in senseless condition and blood started oozing out. Further, police came and brought the informant's husband to the hospital where he was declared dead. After the incident of the alleged occurrence, the accused persons assaulted the informant and her family members. It is suspected that the informant's husband was killed by the appellant and the co-accused persons.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is no eye witness to the alleged occurrence. There is no allegation of abusing against the appellant hence, no offence under provisions of SC/ST Act is made out against him. Learned



counsel has further submitted that it has come in the case diary, the appellant had talked with the deceased on his mobile phone prior to four days of the alleged occurrence which did not furnish ground of his involvement in the case. There is no specific allegation against the appellant and the appellant has no concern with the alleged offence. The appellant is in custody since 18.02.2024. The appellant has 17 criminal antecedents in which he is on bail as stated in para 3 of the bail petition.

6. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

7. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 28.05.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Special Case No. 29/2024 (Serial No. 396/23) arising out of Khirimore (Imamganj) P.S. Case No. 161 of 2023, is set aside against the appellant. The criminal appeal is allowed.

8. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount



each to the satisfaction of the learned Exclusive Special Judge,
SC/ST Act, Patna in connection with Special Case No. 29/2024
(Serial No. 396/23) arising out of Khirimore (Imamganj) P.S.
Case No. 161 of 2023 with the condition :-

*(i) The petitioner is directed to remain physically present
before the learned Court below on each and every date, failing which
on two consecutive dates without reasonable cause, the bail bond of
the petitioner is liable to be cancelled.*

(Chandra Prakash Singh, J)

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