

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3126 of 2023

Arising Out of PS. Case No.-175 Year-2021 Thana- ALOULI District- Khagaria

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RAM KUMAR YADAV SON OF TARANI YADAV RESIDENT OF
VILLAGE- SAHARBANNI, PS- ALAULI, DISTT- KHAGARIA

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi wife of Ashok Paswan Resident of village- Saharbanni, P.S.-
Alauli, District-Khagaria

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Indrajit Kumar

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 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, learned
Special Public Prosecutor for the State.

3. The instant appeal has been filed by the appellant
against the order dated 8.5.2023 passed by learned Additional
Sessions Judge 1st-cum-Spl. Judge SC/ST Act, Khagaria,
whereby the prayer for bail of the appellant in connection with
Alauli P.S. Case no. 175 of 2021 under Sections 363/34, 302,
201 of the Indian Penal Code, Section 27 of the Arms Act and
sections 32(V) of SC/ST Act was rejected.

4. As per allegation in the FIR, son of the informant



went to attend marriage ceremony of his co-villager and did not return. Informant has strong suspicion that accused persons have kidnapped his son for ulterior motive.

5. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case only on the basis of suspicion. Dead body of informant's son was recovered after two days from maize field.. Entire allegation levelled against the appellant hinge around suspicion. No one is the eye witness of the alleged occurrence. No offence is made out under the provisions of the SC/ST Act against the appellant. He has got no criminal antecedent. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 13.7.2023 passed in Cr. Appeal (SJ) No. 1884 of 2023. Appellant is languishing in judicial custody since 14.3.2023.

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 8.5.2023 is hereby set aside.



8. The appellant is directed to be enlarged on bail in connection with Alauli PS Case No. 175 of 2021 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 CJM, Khagaria.

(Sunil Kumar Panwar, J)

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