

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3409 of 2023

Arising Out of PS. Case No.-386 Year-2022 Thana- NOORSARAI District- Nalanda

RAJPAL YADAV SON OF MR. MELA GOPE RESIDENT OF VILLAGE-
MILKIPAR, PS- NOORSARAI, DIST- NALANDA

... .. Appellant/s

Versus

1. The State of Bihar
2. MITHILESH RAVIDAS SON OF LATE SURENDRA RAVIDAS
RESIDENT OF VILLAGE- JAGDISHPUR TIYARI, PS- NOORSARAI,
DIST- NALANDA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Purushottam Kumar
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 04-01-2024 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public
Prosecutor for the State.

2. The instant appeal has been filed by the appellant
against the order dated 14.06.2023 passed by learned
Additional District and Sessions Judge-III-cum-Special Judge,
SC/ST, Nalanda at Bihar Sharif whereby the prayer for bail of
the appellant in connection with Noorsarai P.S. Case no. 386
of 2022 under Sections 302, 201/34 of the Indian Penal Code
and Sections 3(1)(r)(s) & 3(2)(v) of SC/ST Act was rejected.

3. It is a case of commission of murder of the
brother of the informant namely, Nitish Kumar by all the



F.I.R. named accused persons including the appellant.

4. It is submitted by learned counsel for the appellant that appellant is innocent and he has been falsely implicated in this case only on the basis of suspicion. The informant is not the eye witness to the alleged occurrence. There is no consistent evidence against the appellant. No offence is made out under the provisions of the SC/ST Act because the co-accused namely Vikash Kumar and others are also belong to the same caste as that of the deceased. Similarly situated co-accused namely, Vikash Kumar has already been granted bail by this Bench vide order dated 27.04.2023 passed in Cr. Appeal (S.J.) No. 371 of 2023. The appellant has surrendered on 13.03.2023 and since then he is languishing in judicial custody.

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 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 14.06.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in



connection with Noorsarai P.S. Case No. 386 of 2022 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 Additional District and Sessions Judge-III-cum-
Special Judge, SC/ST, Nalanda at Biharsharif.

(Sunil Kumar Panwar, J)

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