

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3300 of 2023

Arising Out of PS. Case No.-133 Year-2020 Thana- JANKINAGAR District- Purnia

Kundan Yadav @ Kundan Kumar S/O Shree Bijendra Yadav R/O Village-
Naulakhi, Ps. Janki Nagar, Dist. Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Paro Devi W/O Late Subodh Rishideo R/O Village- Thakur Patti, Ward
No.04, Ps. Janki Nagar, Dist. Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajit Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 11-01-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 27.04.2023 passed by learned Special Judge (SC/ST Act), Purnea whereby the prayer for bail of the appellant in connection with Janki Nagar P.S. Case no. 133 of 2020 under Sections 452, 147, 148, 149, 341, 323, 324, 325, 302, 307, 504, 506 of the Indian Penal Code, Section 27 of Arms Act and sections 3(2)(v) of SC/ST Act was rejected.

3. The prosecution case in nutshell is that co-



accused persons in an attempt to have their land vacated from the possession of informant and her agnates have entered in to the house of the informant and Bishambhar Jha and his three sons (co-accused) have assaulted the husband of the informant by firearm leading to his death. They entered into the house of Rina Devi and fired on the chest of Anmol Rishi Dev who died on the spot. The allegation against the appellant is that Bishambhar Jha and his sons arrived to him and asked him to get the land vacated and to get their muscle men ready.

4. It is submitted by learned counsel for the appellant that appellant is innocent and he has been falsely implicated in this case. Neither the appellant is named in F.I.R. nor anything incriminating has been recovered from his conscious possession. The only allegation against the appellant is that Bishambhar Jha along with his sons arrived to him and asked him to get the land vacated at any cost and asked to get their anti-social elements ready. There is no any specific allegation against the appellant rather the specific allegation of firing



upon the deceased has been levelled against other co-accused persons. He has 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. Moreover, the appellant is languishing in judicial custody since 13.04.2023. Similarly situated several co-accused persons have been granted bail by different co-ordinate Bench of 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 27.04.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Janki Nagar P.S. Case No. 133 of 2020 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 Special Judge (SC/ST Act),

Purnea.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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