

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3487 of 2023

Arising Out of PS. Case No.-65 Year-2023 Thana- BAGENGOLA District- Buxar

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Bajrangi Tiwari @ Prasun Tiwary Son Of Gupteshwer Tiwari R/O-Badawar,
P.S.-Bagengola, Distt.-Buxar Appellant/s

Versus

1. The State of Bihar
2. Gorakh Musahar, S/o Late Ramgahan Musahar, R/v Bhwdwar Dashni
Musahar Toli, P.S.-Bagengola, Distt.-Buxar Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 12.07.2023 passed by learned A.D.J. 1st-cum-Special Judge, SC/ST (P.O.A.) Act and Children Court, Buxar whereby the prayer for bail of the appellant in connection with Bagengola P.S. Case no. 65 of 2023 under Section 302 of the Indian Penal Code and Section 3(2)(v) of SC/ST Act was rejected.

3. It is a case of commission of murder of the informant's uncle namely, Barak Mushar.

4. It is submitted by learned counsel for the appellant that appellant is innocent and he has been falsely implicated in this case. The appellant is not named in the F.I.R. rather his name has been transpired in this case during course of investigation on the basis of suspicion. There is no eye witness to the alleged



occurrence. Except suspicion there is no direct and consistent evidence against the appellant to show his complicity in the presence occurrence. 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 22.05.2023.

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 12.07.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail **after framing of charge, if not framed** in connection with Bagengola P.S. Case No. 65 of 2023 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 A.D.J. 1st-cum-Special Judge, SC/ST (P.O.A.) Act and Children Court, Buxar.

(Sunil Kumar Panwar, J)

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