

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3554 of 2024

Arising Out of PS. Case No.-340 Year-2023 Thana- BELAGANJ District- Gaya

Deepak Kumar @ Deepak Yadav @ Dipak Kumar Son Of Suresh Yadav
Resident Of Village - Balna, Police Station - Chandauti, District - Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ramashish Chaudhary Son Of Late Devnath Chaudhary Resident Of Village
- Balna, Police Station - Chandauti, District - Gaya

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-08-2024 Heard learned counsel for the appellant and

learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 11.07.2024 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 193 of 2024 whereby the prayer for bail of the appellant in connection with Belaganj P.S. Case no. 340 of 2023 under Sections 147, 148, 149, 302, 120(B) of the Indian Penal Code and sections 3(2)(v) of SC/ST Act was rejected.

Allegation against the appellant and other co-accused persons is that they abused the son of informant,



namely, Kamlesh Kumar and assaulted him by means of lathi, danda and iron rod. When the informant along with his relatives reached at the spot, he got information that his son was killed and thrown in a ditch.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case merely on the basis of suspicion. No any caste based derogatory remark has been made in public view. So, no offence is made out under the provisions of the SC/ST Act against him. There is no specific allegation against the appellant rather the allegation levelled against them is general and omnibus. A statement has been made in para 3 of the appeal that appellant has got no criminal antecedent. Similarly situated several co-accused persons have been granted anticipatory bail vide order dated 14.05.2024, passed in Cr. Appeal (SJ) Nos. 1654 of 2024 and Cr. Appeal No. 2212 of 2024, by this Court.

The appeal for bail is opposed by learned Spl. P.P. for the State.

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 11.07.2024 passed in A.B.P. No 193 of 2024 is hereby set aside.

The appellant is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of six weeks from today in connection with Belaganj P.S. Case No. 340 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 Exclusive Special Judge, SC/ST Gaya, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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