

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3812 of 2023

Arising Out of PS. Case No.-299 Year-2023 Thana- BIHAR District- Nalanda

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Prem Kumar @ Prem Ram Son Of Feku Kumar @ Feku Ram Resident Of
Mohalla - Sadar Hospital, Quarter Campus (Dom Kholi), Bihar Sharif, P.S. -
Bihar, District - Nalanda

... .. Appellant/s

Versus

1. The State Of Bihar
2. Kiran Devi Wife Of Late Rajendra Ram Resident Of Mohalla - Sadar
Hospital, Quarter Campus (Dom Kholi), Bihar Sharif, P.S. - Bihar, District -
Nalanda

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pramod Kumar Sinha
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 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 27.07.2023 passed by learned
Additional District and Sessions Judge-VI-cum-Special
Judge, SC/ST, Nalanda at Bihar Sharif whereby the prayer for
bail of the appellant in connection with Bihar P.S. Case no.
299 of 2023 under Sections 302/34 of the Indian Penal Code
and Sections 3(1)(r)(s)(u) and 3(2)(va) of SC/ST Act was
rejected.

3. It is a case of commission of murder of the



informant's son namely, Abhay 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 has committed no offence. He has been falsely implicated in this case due to dirty village politics. The informant is not the eye witness to the alleged occurrence. He has no concern with alleged occurrence. There is no direct and consistent evidence against the appellant to show his complicity in the alleged occurrence. Only suspicion has been raised against the appellant and other 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. The appellant has got no criminal antecedent and languishing in judicial custody since 06.04.2023.

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 27.07.2023 is hereby set aside.



7.The appellant is directed to be enlarged on bail in connection with Bihar P.S. Case No. 299 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 Additional District and Sessions Judge-VI-cum-Special Judge, SC/ST, Nalanda at Biharsharif.

(Sunil Kumar Panwar, J)

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