

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4297 of 2023**

Arising Out of PS. Case No.-197 Year-2023 Thana- MINAPUR District- Muzaffarpur

RAHUL KUMAR @ RAHUL PATEL SON OF TRIBHUWAN PATEL
VILLAGE- PAKHNAHA, SRIRAM, PS- MINAPUR, DIST-
MUZAFFARPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. PRAMILA DEVI WIFE OF RAMJEE PASWAN VILLAGE- KHARIKA,
PS- MINAPUR (PANAPUR OP), DIST- MUZAFFARPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 04-01-2024 Heard learned counsel for the appellant, informant
and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant
against the order dated 18.08.2023 passed by learned Special
Judge (SC/ST Act), Muzaffarpur, whereby the prayer for bail of
the appellant in connection with Minapur P.S. Case No. 197 of
2023 under Sections 302/34 of the Indian Penal Code and



Section 3(2)(v) of the SC/ST Act was rejected.

3. The allegation against the appellant along with others is of killing the son of the informant.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He submitted that there has been delay in lodging the FIR. There is no consistent evidence and no eye-witness to the alleged occurrence to show that the petitioner has involved in the present case. It is a case of last seen, only on the basis of suspicion, petitioner has been implicated in the present case. 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 no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 20.05.2023.

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, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 18.08.2023 arising out of Minapur P.S. Case No. 197 of 2023 is hereby set aside.



7. The appellant is directed to be enlarged on bail in connection with Minapur P.S. Case No. 197 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 Special Judge (SC/ST Act), Muzaffarpur.

(Sunil Kumar Panwar, J)

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