

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4551 of 2023

Arising Out of PS. Case No.-3 Year-2018 Thana- SAMHO District- Begusarai

Niraj Singh @ Niroj Singh son of Naga Singh @ Nageshwar Singh Village-
Nandpur Ps- Suryagarha Dist-Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Babloo Paswan son of Late Banarsi Paswan Village- Akha Kurha Ps-
Shamho Dist- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Braj Bhushan Poddar, Adv.
For the Respondent/s : Ms.Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 05-03-2024 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 17.07.2023 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai whereby the prayer for bail of the appellant in connection with Shamho P.S. Case no. 03 of 2018 under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and added Section 3(2)(v) of the SC/ST (POA) Act was rejected.

3. As per prosecution case, the appellant and other co-accused persons have committed murder of the father of the informant.



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 on the basis of suspicion due to village politics. There is general and omnibus allegation against the appellant. There is no eye witness of the alleged occurrence. He has not taken the caste name of the informant in public view. Hence, no offence is made out under the provisions of the SC/ST Act against him. The appellant has been remanded in this case on 01.07.2023 from Suryagarha P.S. Case No. 60 of 2015 and since then he is languishing in judicial custody. The other co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 22.02.2022 and 18.07.2022 passed in Cr. Misc. No. 37028 of 2021 and 13898 of 2022 respectively.

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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 17.07.2023 is hereby set aside.

7. Let the appellant be released on bail on furnishing



bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Shamho P.S. Case No. 03 of 2018.

(Ramesh Chand Malviya, J)

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