

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 4671 of 2023

Arising Out of PS. Case No.-133 Year-2020 Thana- JANKINAGAR District- Purnia

AVANEET KUMAR @ AVNIT KUMAR SON OF ASHOK KUMAR
YADAV R/O VILLAGE- JIRWA MADHELI, P.S.- SHANKARPUR, DIST.-
MADHEPURA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR PATNA
2. PARO DEVI WIFE OF LATE SUBODH RISHIDEO R/O VILLAGE-
THAKURPATTI, WARD NO. 4, P.S.- JANAKINAGAR, DIST.- PURNIA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Mohan Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-01-2024 Heard learned counsel for the appellant, informant
and learned Special P.P for the State.

The appellant has challenged the order dated
12.09.2023 passed by learned Special Judge (SC/ST Act),
Purnea in connection with Jankinagar P.S. Case No. 133 of
2020 instituted for the offences punishable under Sections
452, 147, 148, 149, 341, 323, 307, 324, 325, 302, 504, 506
of the Indian Penal Code and Sections 3(2)(v) of the SC &
ST (Prevention of Atrocities) Act and Section 27 of the
Arms Act whereby his prayer for being released on
anticipatory bail has been rejected.



As per prosecution case, the appellant along with other co-accused persons is said to have killed the husband of the informant.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case. The appellant is not named in the FIR rather his name has been dragged in this case merely on the basis of tower data dump report. There is no specific allegation levelled against the appellant. The provisions under SC/ST Act would not be applicable in the case of the appellant. Similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 23.08.2023 passed in Cr. Appeal SJ No. 1909 of 2023. The appellant is languishing in custody since 26.07.2023.

Learned counsel appearing on behalf of the informant and learned Special P.P have vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 12.09.2023 passed by learned Special Judge (SC/ST Act), Purnea in connection with Jankinagar P.S. Case No. 133 of 2020.



Accordingly, this appeal is allowed.

The appellant, above named, is directed to 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 learned Special Judge (SC/ST Act), Purnea in connection with Jankinagar P.S. Case No. 133 of 2020.

(Sunil Kumar Panwar, J)

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