

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5094 of 2023**

Arising Out of PS. Case No.-93 Year-2023 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. Bijendra Singh Son Of Shivbhajan Singh R/O Villge- Kinrachola, P.S. Bhagwanpur, District- Kaimur At Bhabua
 2. Alok Singh S/O Nand Kumar Singh @ Nand Kishor Singh R/O Villge- Kinrachola, P.S. Bhagwanpur, District- Kaimur At Bhabua

... .. Appellant/s

Versus

1. The State of Bihar
2. Brajesh Kumar @ Brajesh Ram S/O Late Basgit Ram R/O Village- Kinar Chola, P.S.- Bhagwanpur, District- Kaimur At Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms.Mukul Kumari, Adv.
For the State	:	Mr.Binay Krishna, Sp.P.P
For the Informant	:	Mr. Tribhuwan Narayan, Adv.

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

ORAL ORDER

3 05-03-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 06.10.2023 passed by learned Special Court, SC/ST (POA) Act, Kaimur at Bhabhua whereby the prayer for bail of the appellant in connection with Bhangwanpur P.S. Case no 93 of 2023 under Sections 302, 342, 504, 506/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s), 3(2)(v) of SC/ST (POA) Act was rejected.

3. As per prosecution case, the appellants and other co-accused persons having with arms came and started abusing



to the brother of the informant by taking his caste name. The co-accused Dhananjay Kumar Singh opened fire upon the informant's brother in his chest due to which he died on the spot.

4. It is submitted by learned counsel for the appellants that appellants are innocent and have committed no offence. They have been falsely implicated in this case due to dirty village politics. They have 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 them. There is no specific allegation of firing against the appellants rather allegation of firing is levelled against the co-accused Dhananjay Kumar Singh due to which informant's brother succumbed to injuries. The appellants have got no criminal antecedent and they are languishing in judicial custody for more than six months.

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

6. From perusal of the F.I.R., seizure list and postmortem report, it appears that on the basis of written report of informant Brajesh Ram F.I.R. registered against four accused persons including the appellants. Considering the facts and



circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 06.10.2023 is hereby set aside.

7. Let the appellants be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st-cum- Special Judge (SC/ST), Kaimur at Bhabhua in connection with Bhagwanpur P.S. Case No.93 of 2023.

(Ramesh Chand Malviya, J)

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