

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5165 of 2023

Arising Out of PS. Case No.-220 Year-2023 Thana- KADWA District- Katihar

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1. Md. Rinku @ Masiur, Aged about 42 years, Gender-Male, Son Of Md. Akhtar Hussain @ Akhtar Hussain, Resident Of Village -Kujibana, P.S.- Kadwa, District- Katihar
 2. Akhtar Hussain @ Md. Akhtar Hussain, Aged about 60 years, Gender-Male, Son Of Late Basiruddin, Resident Of Village -Kujibana, P.S.- Kadwa District- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Parmod Kumar Roy, Aged about 30 years, Gender-Male, Son Of Sobha Roy, Resident Of Village -Kujibana, P.S.- Kadwa, District- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Musowir, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

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

ORAL ORDER

4 18-04-2024 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 18.10.2023 passed by learned A.D.J.-I-cum-Special Judge, SC/ST Act, Katihar whereby the prayer for bail of the appellants in connection with Kadwa P.S. Case no. 220 of 2023 under Sections 307, 120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(va) of SC/ST Act was rejected.



3. The allegation against the appellants is to have tried to commit murder of informant's brother due to non-fulfillment of demand of ransom amount.

4. It is submitted by learned counsel for the appellants that appellants are innocent and committed no offence. They have falsely been implicated in this case due to village politics. There is no specific allegation against the appellants rather the specific allegation is against other co-accused persons namely, Sakir Reja and Banna. 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. Similarly situated co-accused namely, Sanua @ Sanu has already been granted bail by this Court vide order dated 28.02.2024 passed in Cr. Appeal (SJ) No. 5515 of 2023. Moreover, they are languishing in judicial custody since 04.10.2023.

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

6. Considering the facts and circumstances of the case and period of custody of the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 18.10.2023 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 A.D.J.-I-cum-Special Judge, SC/ST, Katihar in connection with Kadwa P.S. Case No.220 of 2023.

(Ramesh Chand Malviya, J)

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