

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5224 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- PARSABAZAR District- Patna

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Anuj Kumar Verma @ Anuj Verma S/O Late Shiv Kumar Saw Village-
Dariyapur, Ps. Parsa Bazar, Dist. Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Gaurav Kumar S/O Late Prem Kumar Village- Pakari Punpun, PS. Punpun,
Dist. Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Ms. Usha Kumari Singh, Adv.
For the State : Mr. Sadanand Paswan, SPP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 14-03-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 26.09.2023 passed by learned Exclusive
Special Judge, SC/ST Act, Patna whereby the prayer for bail of
the appellant in connection with Serial No. 07 of 2023 arising
out of Parsa Bazar P.S. Case No. 04 of 2023 under Sections 302,
120B/34 of the Indian Penal Code and Section 27 of the Arms
Act and under Sections 3(2)(v)(va) of the SC/ST Atrocities Act
was rejected.



3. It is a case of commission of murder of the father of the Informant by the accused persons.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Charge-sheet has been submitted in this case. The appellant is not named in the F.I.R. rather his name has surfaced in this case on the basis of the confessional statement of the co-accused Vikash Kumar. The appellant has no concern at all with the alleged occurrence. The Informant has not identified the appellant in the TIP. No cogent material has come against the appellant and has falsely been implicated in the present case only on the suspicion. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant is in custody since 22.01.2023 and has no criminal antecedent. Similar co-accused namely Dileep Kumar and Prince Kumar have been granted bail by a Coordinate Bench of this Court vide orders dated 12.10.2023 and 09.11.2023 passed in Cr. Appeal (S.J.) Nos. 2469 of 2023 and 4001 of 2023 respectively.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the



appellant.

6. Having heard the learned counsel for the parties and taking into consideration the appellant having no criminal antecedent as also the prayer for bail based on parity, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated order dated 26.09.2023 passed by learned Exclusive Special Judge, SC/ST Act, Patna is hereby set aside.

7. Let the appellant, abovenamed, 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 Court below/concerned Court in connection with Serial No. 07 of 2023 arising out of Parsa Bazar P.S. Case No. 04 of 2023.

(Rudra Prakash Mishra, J)

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