

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5565 of 2023

Arising Out of PS. Case No.-102 Year-2023 Thana- SASARAM MUFFSIL District- Rohtas

Umesh Yadav Son of Late Suraj Yadav Resident of Village- Bahrar, P.S.-
Sasaram (Muffasil), Distt. - Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar Son of Shree Brahmdeo Paswan R/o vill - Bahrar, P.S. -
Sasaram (Muffasil), Distt. - Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Alexander Ashok
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-01-2024 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 19.10.2023 passed by learned A.D.J. XVII-cum-Exclusive Special Judge SC/ST, Rohtas at Sasaram in Regd. No. 112 of 2023 whereby the prayer for bail of the appellant in connection with Sasaram (M) P.S. Case no. 102 of 2023 under Section 3(2) (Va)/3(i)(r)(s) of the SC/ST Act was rejected.

3. It is a case of commission of murder by gun-shot to the informant's brother, namely, Pintu Paswan by the FIR named accused persons including the appellant.



4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous dispute and dirty village politics. No one is the eye witness of the alleged occurrence. Only on the basis of suspicion and his mobile tower location, appellant has been made accused in the present case. During investigation, no consistent evidence has come against the appellant to show his complicity in the present case. No offence is made out under the provisions of the SC/ST Act against them. Similarly situated other accused person has already been enlarged on bail by this Court vide order dated 2.11.2023 passed in Cr. Appeal (SJ) 3399 of 2023. Appellant is languishing in judicial custody since 13.03.2023.

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

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 19.10.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Sasaram (M) P.S. Case No. 102 of 2023 on



furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)
with two sureties of the like amount each to the satisfaction of
the learned A.D.J. XVII-cum-Exclusive Special Judge, SC/ST,
Rohtas at Sasaram.

(Sunil Kumar Panwar, J)

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