

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5230 of 2023

Arising Out of PS. Case No.-420 Year-2020 Thana- WAJIRGANJ District- Gaya

Surendra Kumar S/O Sanjay Prasad Resident Of Village- Rudai, P.S.-
Wazirganj, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithu Das S/O Late Mahesh Das Resident Of Village- Rudai, Post-
Makhdumpur Bhagosa, Panchaat- Kenar Paharpur, P.S.- Wazirganj, District-
Gaya

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 5539 of 2023

Arising Out of PS. Case No.-420 Year-2020 Thana- WAJIRGANJ District- Gaya

1. Rohani Devi Wife Of Sanjay Prasad Resident Of Village- Rudai, Ps-
Wazirganj, Distt- Gaya
2. Sweety Kumari Daughter Of Sanjay Prasad Resident Of Village- Rudai, Ps-
Wazirganj, Distt- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithu Das Son Of Late Mahesh Das Resident Of Village- Rudai, Post-
Makhdumpur Bhagosa, Panchaat- Kenar Paharpur, Ps- Wazirganj, Distt-
Gaya

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 5230 of 2023)

For the Appellant/s : Mr.Ajay Kumar Sinha

For the Respondent/s : Mr.Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 5539 of 2023)

For the Appellant/s : Mr.Ajay Kumar Sinha

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-01-2024 Heard learned counsel for the appellants, learned

Special Public Prosecutor for the State.



2. The instant appeal has been filed by the appellants against the order dated 13.10.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Wazirganj P.S. Case no. 420 of 2020 under Sections 302, 201, 120B and 34 of the Indian Penal Code and sections 3(i) (r) (s) of SC/ST Act was rejected.

3. The allegation against the appellants along with other co-accused persons is to commit murder of the son of the informant due to enmity arising out of love affairs of the deceased with the daughter of the one of the co-accused, namely, Sanjay Prasad.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due enmity. They have not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. No specific allegation has been levelled against the appellants only on the basis of suspicion, they have been dragged in this case. A statement has been made in para-3 of this application that the appellants have got no criminal antecedent. Similarly situated other co-accused persons have already been granted bail by



another co-ordinate Benches of this Court vide Annexure-2 of this application. Moreover, they are languishing in judicial custody since 03.08.2023.

5. The appeals 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 appellants, the Court is inclined to allow these appeals. Accordingly, the appeal is allowed and the impugned order dated 13.10.2023 is hereby set aside.

7. The appellants are directed to be enlarged on bail in connection with Wazirganj P.S. Case No. 420 of 2020 on each of them 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 Exclusive Special Judge, SC/ST, Gaya.

(Sunil Kumar Panwar, J)

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