

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.29 of 2024

Arising Out of PS. Case No.-168 Year-2023 Thana- LALGANJ District- Vaishali

Niraj Kumar @ Baigan S/O Virendra Kumar Roy R/O Village- Gurmiya
(PURBARI Tola), P.S- Karthan, Distt.- Vaishali.

... .. Appellant/s
Versus
The State Of Bihar Respondent/s

Appearance :

For the Appellant/s : Mr. Rajeev Ranjan, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

5 12-07-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant against the order dated 23.09.2023 passed by learned Exclusive Special Court SC / ST Act, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 168 of 2023 registered under Sections 302 / 34 of IPC and Section 27 of the Arms Act and Section 3(2)(va)(s) of SC/ST Act.

3. The allegation against the appellant in the FIR is that, he alongwith other co-accused persons opened fire with pistol on brother of the informant, namely, Rakesh Paswan due to which he sustained injuries.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He



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 13.07.2023.

5. On perusal of the FIR, case diary, post mortem report and impugned order dated 23.09.2023, it appears that on the basis of written report of the informant FIR was registered against one named accused person, namely, Niraj Kumar @ Baigan (appellant) and three unknown person and there is no specific allegation against the appellant of fire arm injury and similarly situated co-accused persons have been granted bail by coordinate Bench of this Court in Cr. Appeal (SJ) No. 114 of 2024 vide order dated 25.04.2024, Cr. Appeal (SJ) No. 681 of 2024 vide order dated 23.05.2024 and Cr. Appeal (SJ) No. 1070 of 2024 vide order dated 23.05.2024.

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

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal.

8. Accordingly, the appeal is allowed and order dated 23.09.2023 passed by learned Exclusive Special Court (SC / ST



Act), Vaishali at Hajipur is hereby set aside.

9. Let the appellant 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 Lalganj P.S. Case No. 168 of 2023.

(Ramesh Chand Malviya, J)

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