

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5588 of 2023

Arising Out of PS. Case No.-479 Year-2021 Thana- GAYA MUFASIL District- Gaya

Ritesh Kumar @ Bittu Kumar Son Of Rajesh Paswan Resident Of Mohalla -
Kumhar Toli, Harijan Tola, Manpur, P.S. - Muffasil, District - Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rekha Devi Wife Of Vijay Paswan Resident Of Village - Manpur
Shivcharan Lane, P.S. - Buniyadganj, District - Gaya

... .. Respondent/s

Appearance :

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

2 12-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant who is languishing in judicial custody against the order dated 19.10.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Muffasil P.S. Case no. 479 of 2021 under Sections 302, 120(B)/34 of the Indian Penal Code read with Section 3(2)(v) of SC/ST (POA) Act was rejected.

3. As per prosecution case, the informant alleged that the appellant was married to his niece. He came to the house of informant in drunken stage and took away his wife



and soon thereafter he came with others and took away her son namely, Aniket Kumar. Subsequently, the informant received information about the killing of her son. It is further alleged that her niece informed that the accused persons including the appellant have killed her son by fire arm.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case merely on suspicion. The informant is not the eye witness to the alleged occurrence. The allegation against the appellant is general and omnibus in nature. There is no any independent witness of the alleged occurrence. He has 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 him. The other co-accused, namely, Himanshu Kumar has already been granted bail by another co-ordinate Bench of this Court vide order dated 26.04.2023 passed in Cr. Misc. No. 25579 of 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 Muffasil P.S. Case No. 479 of 2021 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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