

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.82 of 2024

Arising Out of PS. Case No.-32 Year-2022 Thana- SURYAPURA District- Rohtas

VIKASH PANDEY @ VIKASH KUMAR S/O BRIJ BHUSHAN PANDEY
R/O VILLAGE- AGRER KHURD, P.S- SURAPURA, DISTT.- ROHTAS
(BIHAR).

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. INDU DEVI W/O LATE RAJDEV PASWAN R/O VILLAGE- AGRERE
KHURD, P.S- SURYAPURA, DISTT.- ROHTAS.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 25-01-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 08.11.2023 passed by learned ADJ-XVII-cum Exclusive Special Judge SC/ST, Rohtas at Sasaram in connection with Suryapura P.S. Case No. 30 of 2022, whereby the prayer for bail of the appellant in connection registered under sections 147, 148, 149, 341, 323, 447, 307, 302, 504 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(i)(r)(s), 3(2)(v) of SC/ST Act was rejected.

3. Allegation against the appellant is that due to previous passage dispute he along with co-accused persons



came at the house of the informant and started assaulting and abusing by taking her caste name. It is further alleged that in the course of occurrence, co-accused, namely, Brij Bhushan Pandey fired upon her husband due to which her husband sustained gunshot injuries and succumbed to injuries.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous passage dispute. He has not committed any offence. There is no specific allegation of firing levelled against the petitioner rather the specific allegation of firing is levelled against co-accused. The petitioner 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. Similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 07.12.2022 passe in Cr. Appeal SJ. No. 2722 of 2022. It is further submitted that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 25.08.2023.

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 al-



legation against the appellant, the Court is inclined to allow this appeal. The appeal is allowed and the impugned order dated 08.11.2023 is hereby set aside.

7. Accordingly, this appeal is allowed.

8 .The appellant is directed to be enlarged on bail in connection with Suryapura P.S. Case no. 32 of 2022 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 ADJ-XVII-cum Exclusive Special Judge SC/ST, Rohtas at Sassaram.

(Sunil Kumar Panwar, J)

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