

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.104 of 2024

Arising Out of PS. Case No.-317 Year-2023 Thana- NAUGACHIA District- Bhagalpur

Prahlad Das @ Pramod Das S/o Late Hiyalal Das Village Tetri PS Naugachia
Dist Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Amit Kumar Das Son of Late Saheb Das R/o vill - Athania, P.S. - Kharik,
Distt. - Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kamal Kumar Sinha, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 08-05-2024 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 30.11.2023 passed by the learned Additional District & Sessions Judge III-cum-Special Judge (SC & ST Act), Bhagalpur whereby the prayer for bail of the appellant in connection with Naugachia P.S. Case No. 317 of 2023 under Sections 302 and 34 of the Indian Penal Code and Section 3(2)(V) of the SC/ST Act was rejected.

3. Prosecution case, in short, is that the informant states that one Vijay Yadav in conspiracy with other person have



brutally assaulted his brother Kamal Kishore Das by iron rod, stone, lathi, danda and killed him and with intention to hide the dead body, thrown in the bushes near Madhy Vidyalaya Village Tetri.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. The appellant is not named in the FIR. During course of investigation the informant has not stated anything against the appellant. The appellant and the informant belong to the same caste, hence no offence under SC/ST act is made out. The appellant is in custody since 25.09.2023 and has antecedent of four criminal cases.

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

6. Considering the aforesaid facts and circumstances of the case, clean antecedent of the appellant and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 30.11.2023 passed by the learned Additional District & Sessions Judge III-cum-Special Judge (SC &ST Act), Bhagalpur is hereby set aside.



7. 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 Naugachia P.S. Case No. 317 of 2023.

(Rudra Prakash Mishra, J)

Prakash/-

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