

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.987 of 2025**

Arising Out of PS. Case No.-1129 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

=====

Vaigyanik @ Md. Tabrez @ Md. Chotu S/o Ramanand Mahto @ Md. Raja
R/o Mohalla - Mustafapur, P.s.- Barari, Distt.- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Anil Kumar Razak S/o Late Changuri Razak R/o vill - Ganganagar Colony,
B.P. Trading Gas Godown, P.S.- Barari, Distt.- Bhagalpur

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ranjan Kumar Jha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

=====

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

ORAL ORDER

3 26-06-2025 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State and perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 06-12-2024 passed by Learned
Additional District and Sessions Judge-III-cum-Special Judge
(SC/ST Act), Bhagalpur, whereby the prayer for bail of the
appellant in connection with Kotwali (Barari) P.S. Case No.
1129 of 2022 under Sections 302, 34 of the Indian Penal Code,
read with Section 27 of the Arms Act and Section 3(2)(v) of
SC/ST Act was rejected.



3. Prosecution case, in short, is that, the appellant along with other co-accused person committed murder of the grandson of the informant, namely, Rohit and one Sunny by firearms.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that the appellant is not named in the FIR. Name of the appellant has transpired in course of investigation. The allegation levelled against the appellant is general and omnibus in nature. No specific allegation has been attributed against the appellant. It is next submitted that specific allegation of firing on the deceased is against co-accused person, namely, Babua who fired upon one Rohit and co-accused Sahwaz who fired upon one Sunny. Learned counsel for the appellant 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 has no intention to disgrace the image of the informant in public view. The appellant is in custody since 14.08.2024 and has got five criminal antecedents. Similar co-accused has been granted regular bail by a Co-



ordinate Bench of this Court vide order dated 01.05.2025 passed in Cr. Appeal (S.J.) No. 395 of 2024.

5. Learned Special P.P. for the State has opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, general and omnibus allegation and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 06-12-2024 passed by Learned Additional District and Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur, is hereby set aside.

7. Let the appellant be released on bail, ***after framing of charge, if not already framed***, 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 Kotwali (Barari) P.S. Case No. 1129 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellants.

(II) The appellants shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the



bail bonds of the appellants.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

