

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1293 of 2025

Arising Out of PS. Case No.-359 Year-2022 Thana- AGAMKUAN District- Patna

Deepak Chaudhary @ Krishna Kant Chaudhary @ Krishna Kant S/o- Late
Hari Narayan Chaudhary Resident of ER- 79 Janta Flat Bahadurpur, Police
Station- Agamkuan District- Patna (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Baby Devi W/o- Sonu Paswan R/o- Bhut Nath Road Housing Colony MIG
Sector 3 Block 13, Ps- Agamkuan Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Awadhesh Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, SPP

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

ORAL ORDER

6 24-07-2025 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 21-02-2025, passed by learned Exclusive
Special Judge, SC/ST Court, Patna whereby the prayer for bail
of the appellant in connection with Agamkuan PS Case No. 359
of 2022 under Sections 302, 120-B & 34 of the Indian Penal
Code (for short 'IPC'), Section 3(2)(va) of SC/ST Act and
Section 27 of the Arms Act was rejected.

3. According to the case of prosecution one Suraj
Kumar, the son of the informant was found dead near the Janta



Flat Mushari. The matter was reported by the informant Baby Devi alleging therein that the present applicant along with three other accused persons had taken the deceased with them and latter on committed his murder.

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 petitioner submits that there is no direct evidence available against the appellant to implicate him for alleged offence. There is general and omnibus allegation levelled against the appellant. 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 17-10-2024 and has one criminal antecedent. Similar co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 26-11-2024 passed in Cr. Appeal (S.J.) No. 4587 of 2023.

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 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 21-02-2025 passed by Exclusive Special Judge, SC/ST Court, Patna 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 Agamkuan PS Case No. 359 of 2022, subject to the following conditions:

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

(II) The appellant 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 appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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