

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1621 of 2024
In
CRIMINAL MISCELLANEOUS No.6323 of 2024

Arising Out of PS. Case No.-143 Year-2018 Thana- UCHKAGAON District- Gopalganj

Rahul Kumar @ Rau Ram @ Rahul Ram S/o Shri Parmanand Ram R/o
Village- Barari Jagdish, P.S.- Uchakagaon, Distt.- Gopalganj

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 237 of 2025

Arising Out of PS. Case No.-143 Year-2018 Thana- UCHKAGAON District- Gopalganj

Dinesh Kumar @ Dinesh Kushwaha S/o- Jaleshwar Bhagat @ Jaleshwar
Kushwaha Resident of Barari Jagdish P.S- Uchkagaon, Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Baitha S/o- Mahesh Baitha Village- Nawada Prasauni Ps- Uchkagaon
Dist- Gopalganj

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1621 of 2024)

For the Appellant/s : Mr. Shiv Sager Sharma

For the Respondent/s : Mr. Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 237 of 2025)

For the Appellant/s : Mr. Naresh Prasad

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 16-05-2025

Ref:- Cr. Appeal (SJ) No. 1621 of 2024

Heard the learned counsel for the appellant and
learned APP for the State.

2. This is an application for grant of regular bail to the
appellant in connection with Uchakagaon P.S. Case No. 143 of
2018 initially instituted under Sections 279 and 304A of the



Indian Penal Code and later converted under Sections 302/34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act.

3. It is alleged that the appellant along with other accused persons had planned and committed the murder of the deceased.

4. Learned counsel for the appellant has submitted that the appellant is not named in the FIR but during the investigation, one Abit Ram had been arrested and on the confessional statement of Abit Ram, the appellant has been made an accused in this case. The appellant is in custody since 27.08.2023 and claims clean antecedent.

5. Learned counsel for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case as well as the period of custody, this application for regular bail is allowed.

7. Accordingly, let the appellant, above named, 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 the learned Addl. Sessions Judge XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj/concerned Court below in connection with Uchkagaon P.S. Case No. 143



of 2018.

Ref: Cr. Appeal (SJ) No. 237 of 2025

Heard the learned counsel for the appellant and learned APP for the State.

2. This is the 2nd attempt on behalf of the appellant for regular bail. Earlier the application for bail of the appellant was rejected vide Cr. Misc. No. 75444 of 2023 dated 27.02.2024 considering the fact that it is a case of homicide and not of an accident.

3. The appeal is directed against the order dated 29.11.2024 passed by the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in Uchakagaon P.S. Case No. 143 of 2018 initially instituted under Sections 279 and 304A of the Indian Penal Code and later converted under Sections 302/34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act whereunder and whereby the prayer for regular bail of the appellant was rejected.

3. It is alleged that the appellant along with other accused persons had planned and committed the murder of the deceased.

4. Learned counsel for the appellant has submitted that the appellant is in custody since 09.08.2023. He further



submits that in the trial, the informant has turned hostile and has said that his brother has died in an accident.

5. Learned counsel for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case as well as the period of custody, this application for regular bail is allowed.

7. Accordingly, the order dated 29.11.2024 passed in Uchkagaon P.S. Case No. 143 of 2018 by the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj is hereby set aside and let the appellant, above named, 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 the learned Addl. Sessions Judge XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj/concerned Court below in connection with Uchkagaon P.S. Case No. 143 of 2018 subject to condition that the appellant will cooperate in the trial.

8. The Certified copy of the deposition of the informant is taken on record.

(Sandeep Kumar, J)

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