

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3580 of 2024

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

Vikash Kumar Son of Lalan Das Village- Tetari, Ps- Naugachia, Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Amit Kumar Das Son of Late Saheb Das Village- Athania, Ps- Kharik, Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Hansraj, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, SPP
For the Resp. No.2	:	None

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 10-01-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State. No one appears on behalf of the Respondent No.2. Perused the case diary.

2. Learned counsel for the State has filed a report showing that the Informant No.2 has been informed regarding filing of the present appeal and the same is kept in the record of Cr. App. (SJ) No. 3547 of 2024.

3. The instant appeal has been filed by the appellant against the order dated 28.05.2024 passed by learned Additional District & Sessions Judge-III cum Special Judge (SC & ST Act), Bhagalpur whereby the prayer for bail of the appellant in connection with Special SC/ST Case No. 264 of 2023 arising



out of Naugachia P.S. Case No. 317 of 2023 under Sections 302, 34 of the I.P.C. and Section 3(2) (V) of SC/ST Act was rejected.

4. The prosecution case, in short, is that the Informant alleges in the F.I.R. that one Vijay Yadav in conspiracy with other persons has brutally assaulted his brother Kamal Kishore Das by means of iron rod, stone, lathi-danda and killed him and, with an intention to hide the dead body, throw the same in the bushes near Madhya Vidyalaya Village Tetri.

5. Learned counsel for the appellant submits that the appellant is innocent and has has falsely been implicated in the present case merely on the basis of suspicion. The appellant is not named in the F.I.R. and his name has surfaced in this case in course of investigation. He further submits that both the parties belong to the same caste and, hence, offence under the SC/ST Act is not attracted. In course of entire investigation, the Informant has not stated anything adverse against the appellant. The appellant has no concern with the alleged occurrence. The appellant is in custody since 27.03.2024 and has four criminal antecedents and, in all of them, he is on bail as has been stated in para-3 of the present appeal. Similar co-accused Prahlad Das @ Pramod Das has already been granted bail by this Court vide order dated 08.05.2024 passed in Cr. Appeal (S.J.) No.104 of



2024.

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

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant as also there being no direct allegation of any overt act against the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 28.05.2024 passed by learned Additional District & Sessions Judge-III cum Special Judge (SC & ST Act), Bhagalpur is hereby set aside.

8. Let the appellant, abovenamed, 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 Special SC/ST Case No. 264 of 2024 arising out of Naugachia P.S. Case No. 317 of 2023.

(Rudra Prakash Mishra, J)

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