

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4930 of 2024

Arising Out of PS. Case No.-289 Year-2024 Thana- MAKHDUMPUR District- Jehanabad

Arjun Choudhary @ Arujun Chaudhary S/o Ramashish Choudhary Resident
of Village- Bandeya, PS- Makhdumpur, Distt. - Jehanabad

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Shakuntala Devi W/o Late Nandu Paswan R/o vill - Kakaria, P.S. - Makhdumpur, Distt.- Jehanabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Niranjana Kumar, Advocate Mr. Subham Singh, Advocate Mr. Bipin Yadav, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 03-04-2025 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 07.08.2024 passed by learned A.D.J.-I-cum-Special Judge, SC/ST Act, Jehanabad whereby the prayer for bail of the appellant in connection with Makhdumpur SC/ST P.S. Case No. 289 of 2024 under Sections 302, 120-B, 34 of the Indian Penal Code read with Section 3(2)(va) of SC/ST Act was rejected.



3. Prosecution case, in short, is that, co-accused Sudarshan Yadav and Shashikant Yadav took the deceased from his house to attend Tar puja at the house of the petitioner. When he did not return, the next morning informant got an information that his body was found in a nearby field. It is further alleged that the appellant along with other co-accused persons have committed murder of her husband.

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 no specific allegation has been attributed against the appellant, rather the same is general and omnibus in nature. There is no eye witness of the said occurrence. It is further submitted that name of the appellant has transpired in this case only on the basis of suspicion. 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 26.06.2024 and has one criminal antecedent in which he is on bail.



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

6. Considering the aforesaid facts and circumstances of the case 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 07.08.2024 passed by learned A.D.J.-I-cum-Special Judge, SC/ST Act, Jehanabad 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 Makhdumpur SC/ST P.S. Case No. 289 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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