

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1052 of 2019**

Arising Out of PS. Case No.-825 Year-2018 Thana- BHABHUA District- Kaimur (Bhabua)

RAKESH SETH S/o Moti Seth @ Moti Prasad, Resident of Village-
Bhabhua, Ward No.-17, P.S.- Bhabhua, District- Kaimur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.N. K. Agrawal, Sr. Advocate. Mr. Santosh Kumar Pandey, Advocate.
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP.

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

20-08-2019 Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 15.02.2019 passed by learned 1st Addl. District and Sessions Judge cum Special Judge, Kaimur at Bhabhua in Bhabhua P.S. Case No. 825 of 2018 registered under Sections 341, 323, 324, 307 and 386/34 of the Indian Penal Code, Sections 25(1-b)a, 26 and 27 of the Arms Act and Sections 3(i)(r)(s) of the SC/ST Act.

Over not according fish free of cost by the informant, appellant is said to have slated the informant in the



name of his caste and resorted firing upon him by means of pistol inflicting fire arm injury on his left hand.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. As a matter of fact, informant had taken Rs. 18,000/- from the appellant two months back with promise to return the same within 1½ months, but he did not return the same and filed this false and frivolous case against the appellant with altogether wrong and concocted allegation regarding the occurrence committed by some other person at some other place in a bid to devour aforesaid money of the appellant. The injury sustained by the victim is simple in nature. Appellant has been languishing in custody since 15.12.2018.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. District and Sessions Judge cum Special Judge, Kaimur at Bhabhua in connection with Bhabhua P.S.



Case No. 825 of 2018, SC/ST Reg. No.213 of 2018.

Accordingly, the impugned order is set aside and
appeal is allowed.

(Prakash Chandra Jaiswal, J)

mantreshwar/-

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

