

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3904 of 2019

Arising Out of PS. Case No.-430 Year-2018 Thana- MALSALAMI District- Patna

MANISH JAISWAL Son of Late Pramod Prasad Jaiswal Resident of
Charkhipar, P.S.- Malsalami, District- Patna.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Ritesh Choudhary @ Chhotu Son of Ram Seraj Choudhary Resident of
Village- Katra Bazar, Rikabganj, P.S.- Malsalami, District- Patna.

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 5118 of 2019

Arising Out of PS. Case No.-430 Year-2018 Thana- MALSALAMI District- Patna

VISHNU KUMAR Son of Arjun Kumar Agrawal Resident of Village - East
Nand Gola, Choti Mandir, Ban Sangat, P.S.- Malsalami, District - Patna.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. Ritesh Choudhary @ Chhotu Son of Ram Seraj Choudhary Resident of
Village - Katra Bazar, Rikabganj, P.S.- Malsalami, District - Patna.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3904 of 2019)

For the Appellant/s : Mr.Pramod Kumar

For the Respondent/s : Mr.Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 5118 of 2019)

For the Appellant/s : Mr.Pramod Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 25-11-2019 Both the appeals arise out of same P.S.case number,

as such they are taken together for disposal.

By way of this memo of appeal in both the

appeals, preferred under Section 14(A) of the Scheduled



Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellants seek for setting aside order dated 26.3.2018 passed in Special Case No.678 of 2018 arising out of Malsalami P.S.case No.430 of 2018 for the offences punishable under Section 27 of the Arms Act and Section and Section 3/2 (v)(a) of SC/ST Act by the learned Special Judge, SC & ST Act, Patna whereby and where-under, the appellants' application for grant of bail has been rejected.

As per FIR in both the appeals, while the informant was coming from his duty and going to his house near Bazar Samiti appellants of both the cases and other accused persons came, appellant Vishnu made firing, causing injury to the informant on the waist and buttock .

Submission of the learned counsel for the appellants in both the cases is that all the injuries are caused by fire arm, about which it is said serious but not stated to be grievous. Appellant of Cr. Appeal (SJ) No.3904 of 2019 is in custody for more than ten months and appellant in Cr. Appeal (SJ) No.5118 of 2019 is in custody for about seven months.

Hard learned Special P.P. , who has opposed the prayer for bail..

Having heard both sides, considering the facts and



circumstances of the case, both the appeals are allowed and the impugned order is set aside, let the appellants in both the cases, above named, be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, Patna in connection with Spl. Case No.678 of 2018 arising out of Malsalami P.S.Case No.430 of 2018 .

(Vinod Kumar Sinha, J)

chn/-

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

