

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5226 of 2019**

Arising Out of PS. Case No.-283 Year-2019 Thana- CHANDI District- Nalanda

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Gorakh Paswan @ Gorakh Pasvan, Son of Bhagirath Paswan, Resident of
Village - Rupaspur, P.S.- Chandi, Distt.- Nalanda.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shyamal Prakash, Advocate
For the Respondent/s : Ms.Usha Kumari 1,Spl. P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 02-12-2019 Heard learned counsel for the appellant and the
learned counsel appearing on behalf of the State.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 against the refusal of prayer for regular bail, vide order dated 24.10.2019 passed by learned Additional Sessions Judge, Nalanda at Biharsharif, in connection with Chandi P.S. Case No.283 of 2019 registered under Sections 341, 323,307,504/34 of the I.P.C. and Section 27 of the Arms Act and Sections 3(1)(r) of the SC/ST Act and also for setting aside the aforesaid order dated 24.10.2019.

Learned counsel for the appellant submits that the appellant is in custody since 26.08.2019. Learned counsel for



the appellant further submits that so far the allegation under Section 3(1)(r) of the S.C./S.T.Act is concerned, it is wholly uncalled for as the appellant himself also belongs to the same category. It is further submitted that though it has been alleged that the appellant was one of the persons who had fired, there is no injury report on record and, therefore, the whole case is falsified under such circumstances. It is submitted that the appellant has got clean antecedents and therefore, he may be granted the privilege of bail.

In view of the aforementioned facts and circumstances, let the appellant, above named, be released 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 Additional Sessions Judge, Nalanda at Biharsharif, in connection with Chandi P.S. Case No.283 of 2019.

In the result, the appeal is allowed and the impugned order dated 24.10.2019 is set aside.

(Anjana Mishra, J)

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