

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1288 of 2020

Arising Out of PS. Case No.-172 Year-2019 Thana- RAJPUR District- Rohtas

DUKHAN CHAUDHARY Son of Chandrama Chaudhary Resident of Village
- Noniyadih, P.S.- Baghaila, Distt - Rohtas at Sasaram

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raghunandan Kumar Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 25-11-2020 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State, through video

conferencing.

The instant appeal has been preferred against the order dated 17.12.2019 by the learned Additional Sessions Judge-I, Rohtas at Sasaram, whereby the prayer for bail of the appellant in connection with Rajpur P.S. Case No. 172 of 2019 registered under sections 307 and 326 of the Indian Penal Code and section 3(1)(r) of the SC and ST (Prevention of Atrocities) Act was rejected.

As per allegation in the FIR, it is stated by the informant, a police personnel, that in morning the victim Paru Kumari having sustained fire arm injury, he visited her house but initially was prevented by her father from meeting her. After



persuasion, on meeting the victim, it transpired that someone had fired on her when she had gone out to ease herself at 3 am. The bullet passed scratching her neck. She did not identify the accused.

It is submitted by learned counsel for the appellant that the name of the appellant transpired in course of investigation. It subsequently transpired that the victim was having some relationship with one Azad Khan. It is submitted that as per the investigation the father of the victim with an intention to implicate the said Azad Khan had got a bullet fire on his daughter and in the said conspiracy, the appellant was also alleged to be involved with the father of the victim. It is submitted that besides the confessional statement of the father of the victim together with the unproved recording of some conversation between the father of the victim and the appellant, there is no other material against the appellant. The appellant is in custody since 21.12.2019 and the father of the victim has been enlarged on bail vide order dated 6.7.2020 passed in Cr. Appeal (SJ) no. 1293 of 2020 (Dharmendra Paswan Vs. State of Bihar).

The appeal is opposed by learned Spl.P.P. appearing for the State.



Having heard learned counsel for the parties and taking into consideration the period in custody, the material that has transpired in course of investigation together with the grant of bail to the father of the victim, namely, Dharmendra Paswan, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 17.12.2019 passed by the learned Additional Sessions Judge-I, Rohtas at Sasaram is set aside.

The appellant is directed to be enlarged on bail in connection with Rajpur P.S. Case No. 172 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Rohtas at Sasaram.

(Partha Sarthy, J)

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