

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1478 of 2020

Arising Out of PS. Case No.-83 Year-2020 Thana- RAJAON District- Banka

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ABHISHEK KUMAR Son of Vijay Prasad Singh Resident of Village - Jagdishpur (Katiya), Police Station - Rajoun, District - Banka.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajay Mukherjee, Adv.
For the Respondent/s : Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 02-11-2020 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State, through video conferencing.

The instant appeal has been filed by the appellant against the order dated 23.5.2020 passed by the learned Additional Sessions Judge-I, Banka, whereby the prayer for bail of the appellant in connection with Rajoun P.S. Case No 83 of 2020 registered under sections 307 and 34 of the Indian Penal Code, section 27 of the Arms Act and section 3(1)(r)(s) and 2(II) of the SC and ST (Prevention of Atrocities) Act was rejected.

As per allegation in the FIR, the four named accused persons including the appellant herein are stated to have assaulted and abused the brother of the informant. It is further stated that in an intoxicated condition, the accused persons came



once again and Kunal Kumar fired upon the informant as also her sister causing injuries.

It is submitted by learned counsel for the appellant that the allegations as levelled in the FIR are false and concocted. It is further submitted that from the injury reports of the informant and her sister brought on record, the same do not support the prosecution case. The allegation of firing is not on this appellant but is on one Kunal Kumar, who has been enlarged on bail vide order dated 5.9.2020 passed in Cr. Misc. no. 1517 of 2020. The appellant is in custody since 16.4.2020.

The appeal is opposed by learned Special Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the appellant being in custody since 16.4.2020 and grant of bail to co-accused Kunal Kumar, the Court is inclined to allow this appeal. The appeal is allowed and the order dated 23.5.2020 passed in Rajoun P.S. Case No. 83 of 2020 by the learned Additional Sessions Judge-I, Banka is set aside.

The appellant is directed to be enlarged on bail in connection with Rajoun P.S. Case No. 83 of 2020 (G.R Case no. 27/2020) on furnishing bail bond of Rs.10,000/ (Rupees ten



thousand) only with two sureties of the like amount each to the
satisfaction of the learned Additional Sessions Judge-I, Banka.

(Partha Sarthy, J)

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