

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1573 of 2020**

Arising Out of PS. Case No.-110 Year-2020 Thana- KATRA District- Muzaffarpur

MD. KAMAL S/o Late Md. Idirish Resident of Village-Lewdi, P.S.-Katra,
District-Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ganesh Prasad Singh

For the Respondent/s : Ms. Asha Kumar, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 09-10-2020 The appellant has put to challenge an order dated 08.07.2020 passed by 9th Additional and Sessions Judge-cum-Special Judge (SC/ST) Act, Muzaffarpur in Katra P.S. Case No. 110 of 2020, registered for the offence punishable under Sections 341,307,504/34 of the Indian Penal Code and Section 27 of the Arms Act as well as Sections 3(1) (r) (s) of the SC and ST (Prevention of Atrocities) Act, 1989, whereby his application for regular bail has been rejected.

In respect of the same occurrence, which had taken place on 09.05.2020, two First Information Reports were registered; one by the informant of the present case and another one Jhameli Sahni. In both the cases, there is allegation that because of certain dispute between said Jhameli Sahni and the



persons named in the present case and another Katra P.S. Case No. 108 of 2020 that they had opened indiscriminate firing because of which Domini Devi had sustained fire arm injuries. The Domini Devi is the informant of the present case. There is a counter case registered by the side of the appellant as Katra P.S. Case No. 109 of 2020 on the same day, i.e., 09.05.2020.

Learned counsel appearing on behalf of the appellant has submitted that though there is allegation against the appellant of having opened fire which had allegedly caused fire arm injury to the informant of the present case, there is no material collected in course of investigation to corroborate that the informant had sustained any fire arm injury.

Considering the nature of allegation and submission advanced on behalf of the appellant as noted above, in my opinion, a case for regular bail is made out.

The impugned order dated 08.07.2020 passed by 9th Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Muzaffarpur in Katra P.S. Case No. 110 of 2020 requires interference. The order is accordingly set aside.

This appeal is allowed.

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 then
learned 9th Additional Sessions Judge-cum-Special Judge SC/ST
(Prevention of Atrocities) Act, Muzaffarpur in Katra P.S. Case
No. 110 of 2020.

(Chakradhari Sharan Singh, J)

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