

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1128 of 2021

Arising Out of PS. Case No.-423 Year-2020 Thana- NAWADA District- Nawada

GAUTAM KUMAR S/O VIJAY SINGH R/o village- Ashadhi, Patwa Saray,
P.S.- Town, District- Nawada

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 15-03-2021 Heard Mr. Birendra Kumar, learned counsel
for the appellant and Mr. Sadanand Paswan, learned
APP for the State.

The appellant has challenged the order dated 08.12.2020 passed by the learned Additional District and Sessions Judge- 1st -cum-Special Judge (SC/ST Act), Nawada in connection with Special Case No. 98 of 2020, arising out of Town P.S. Case No. 423 of 2020 instituted for the offences under Sections 341, 323, 325, 307, 504, 506 and 34 of the Indian Penal Code and under Sections 3(i)(R) SC/ST Act, whereby the prayer made on behalf of the appellant for grant of bail has been rejected.

From the FIR, it appears that the informant was surrounded by approximately 10 persons including



the appellant and was assaulted. When a protest was made, one of the co-accused persons fired at him resulting in injuries. Some other persons have also received injuries in the transaction.

Learned counsel for the appellant has submitted that though he has been named in the first part of the FIR but there is no specific accusation against him of using any firearm or any weapon which would have caused grievous injury. In a general manner, it has been alleged in the FIR that the appellant along with others abused and assaulted the informant by means of lathi and only on his protest, others were assaulted.

There is a counter version of the occurrence also.

The appellant is in custody since 28.11.2020 and he does not have criminal antecedents.

Considering the aforestated facts, the appeal is allowed. The order dated 08.12.2020 is set aside.

The appellant is directed to be released on bail on his furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge- 1st -cum-Special Judge



(SC/ST Act), Nawada in connection with Special Case
No. 98 of 2020, arising out of Town P.S. Case No.
423 of 2020.

(Ashutosh Kumar, J)

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