

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2614 of 2021

Arising Out of PS. Case No.-262 Year-2020 Thana- PARSABAZAR District- Patna

Nand Kishore Kumar @ Nandu @ Chilar Son of - Late Dular Chand Rai @
Chandeshwar Rai Resident of Village - Sotachak, P.S. - Parsa Bazar, District -
Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimal Kumar, Adv.

For the Respondent/s : Spl.PP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-06-2021 Heard learned counsel for the appellant and learned Spl.
P. P. for the State through video conferencing.

The appellant has preferred this appeal against the order dated 26.11.2020 passed by the learned Additional District Sessions Judge III-cum-Special Judge, SC/ST, Patna in Special Case no. 379 of 2020 whereby the prayer for bail of the appellant in connection with Parsa Bazar P.S Case No.262 of 2020 registered under sections 307, 147, 148, 149, 341 and 323 of the Indian Penal Code and section 27 of the Arms Act to which sections 3(2)(v) of the SC and ST (Prevention of Atrocities) Act was added subsequently, was rejected.

As per allegation in the FIR, it is stated by the informant that the seven accused persons including the appellant herein



came on three motor-cycles. Accused Chillar is stated to have ordered that the informant should be shot on which the accused Jitendra fired twice which hit the informant in his leg and stomach.

It is submitted by the learned counsel for the appellant that the allegations as levelled in the FIR are false and incorrect. The appellant has been falsely implicated in the case for oblique reasons. The manner of occurrence is other than what has been narrated in the FIR. There has been no allegation of overt act against the appellant. He is in custody since 23.9.2020 and charge-sheet has been submitted in the case.

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

Having heard learned counsel for the parties and taking into consideration that the specific overt-act alleged is against co-accused Jitendra together with charge-sheet having been submitted in the case, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 26.11.2020 passed by the learned Additional District Sessions Judge III-cum-Special Judge, SC/ST, Patna in Special Case no. 379 of 2020, is set aside.

The appellant is directed to be enlarged on bail in



connection with Special Case no. 379/2020 (arising out of Parsa Bazar P.S Case No.262 of 2020), on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Additional District Sessions Judge-cum-Special Judge, SC/ST, Patna.

(Partha Sarthy, J)

Bibhash

U			
---	--	--	--

