

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2997 of 2021**

Arising Out of PS. Case No.-188 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

Neeraj Kumar @ Niraj Kumar S/O Ashok Das Resident of Nagdah, Bichla
Tola, P.S.- Muffasil, (Singhoul O.P.), District- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 03-08-2021 Heard learned counsel for the parties through video
conferencing.

The instant appeal has been preferred against the order dated 23.6.2021 passed by the learned Special Judge, SC and ST (POA) Act, Begusarai whereby the prayer for bail of the appellant in connection with Begusarai (Mufassil) P.S. Case No. 188 of 2021 registered under section 307 and other sections of the Indian Penal Code, section 27 of the Arms Act and section 3 of the SC and ST (POA) Act, was rejected.

As per the prosecution case, the appellant and one Md. Khushnood came to the land of the informant. It is stated that Md. Khushnood started to fire in air with a country made pistol. On protest by the informant, Md. Khushnood abused the informant and fired at him hitting him in his hand.



It is submitted by learned counsel for the appellant that from perusal of the F.I.R. itself, no overt act has been alleged against the appellant either under the SC/ST Act or under the Arms Act. The allegations of abuse etc. as also of firing is solely against Md. Khushnood. The appellant is in custody since 3.6.2021 and undertakes to cooperate in the investigation. He has no criminal antecedent.

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

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the allegations against the appellant in the F.I.R., the Court is inclined to allow the appeal. The appeal is allowed and the order dated 23.6.2021 passed by the learned Special Judge, SC/ST Act, Begusarai, is set aside.

The appellant is directed to be enlarged on bail in connection with Begusarai (Mufassil) P.S. Case No. 188 of 2021 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 Special Judge, SC/ST Act, Begusarai.

It is directed that the appellant shall cooperate in the investigation and shall make available his mobile number on



which he can be reached to the Investigating Officer of the case.

(Partha Sarthy, J)

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