

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3270 of 2021**

Arising Out of PS. Case No.-209 Year-2020 Thana- AANDAR District- Siwan

MD. TAIS ALI @ KAIF ALI @ TAISH ALI S/o Shamshad Miya @ Md.
Shamshad Miya R/o village- Gay Ghat, P.S.- Andar, District- Siwan

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satyendra Rai, Advocate
For the State	:	Ms.Usha Kumari 1, APP
For the Informant	:	Mr. Ramchandra Sahni, Advocate

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

3 27-09-2021

Heard learned counsel for the parties.

The instant appeal has been preferred against the order dated 14.7.2021 passed by the learned Additional Sessions Judge I-cum-Special Judge, Siwan whereby the prayer for bail of the appellant in connection with Andar P.S. Case no. 209 of 2020 registered under sections 341,323,386,504,506,307 and 34 of the Indian Penal Code, section 27 of the Arms Act and sections 3(1)(r)(s) of the SC and ST (POA) Act was rejected.

As per the prosecution case the five named accused persons including the appellant herein are stated to have come variously armed. It is stated that while Tais Ali fired with a country made pistol on the informant Kanhaiya Sah, Md. Azaharuddin Ali fired with a country made 'katta' on Jitendra Sah. Other accused persons are also alleged to have fired.

It is submitted by learned counsel for the appellant that the allegations as levelled in the FIR are false and concocted. Accepting the allegations in the FIR for the sake of argument, the injury on Kanhaiya Sah allegedly made by the



appellant herein is stated to be simple in nature. The appellant is in custody since 16.12.2020 and has no criminal antecedent.

The appeal is opposed by learned Spl. PP appearing for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the appellant is named in the FIR, but there is direct allegation of overt act against him. It is not a case for grant of bail.

Having heard learned counsel for the parties and taking into consideration the nature of injury found on the informant Kanhaiya Sah together with the period in custody, the appeal is allowed and the order impugned dated 14.7.2021 passed by the learned Additional Sessions Judge I-cum-special Judge, Siwan, is set aside.

The appellant is directed to be enlarged on bail in connection with Andar P.S. Case no. 209 of 2020 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 Additional Sessions Judge I-cum-Special Judge, Siwan.

(Partha Sarthy, J)

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