

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3401 of 2021

Arising Out of PS. Case No.-131 Year-2020 Thana- KHAGAUL District- Patna

RANJU RAY, S/o- Ramnath Ray R/O- Ghagha Ghat, P.S. - Sultanganj, Distt.
- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nityanand Kumar- Advocate
For the informant	:	Mr. Ashok Kumar Yadav- Advocate
For the Respondent/s	:	Mr. S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-09-2021 Heard Mr. Nityanand Kumar, the learned Advocate for the appellant, Mr. Ashok Kumar Yadav, the learned Advocate for the informant and the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 06.01.2021 passed by the learned A.D.J.-XII-cum-Special Judge, SC/ST, Patna in connection with Khagaul P. S. Case No.131 of 2020, instituted for the offences under Sections 147, 148, 149, 341, 323, 307, 120(B) of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.



The accusation in the F.I.R. is that the informant was fired at by one Deepak Kumar Paswan @ Teni Paswan and others. He has received firearm injuries.

The learned Advocate for the appellant has submitted that he has not been named in the F.I.R. and his implication in this case is only on the basis of confession of one Deepak @ Teni Paswan, the arrested accused person. It has further been submitted that two of the accused persons of this case have been granted regular bail. So far as the appellant is concerned, he was earlier made an accused in a case of Excise Act about which reference has been given in Para-3 of the memo of appeal in which he is on bail but there is no accusation against him either under the I.P.C. or under the SC/ST (P.O.A.) Act. There appears to be some dispute between the informant and Deepak @ Teni Paswan but the other persons have unnecessarily been made accused in this case. So far as the appellant is concerned, but for his being named by the arrested accused person, there is no other material to justify his prosecution in the instant case.

For the reasons afore-stated, the order dated 06.01.2021 is set-aside.

The appeal stands allowed.



The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-XII-cum-Special Judge, SC/ST, Patna in connection with Khagaul P. S. Case No.131 of 2020 (Special Case No.429 of 2020), subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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