

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.330 of 2021

Arising Out of PS. Case No.-54 Year-2019 Thana- ADHAOURA District- Kaimur (Bhabua)

1. Bahadur Baitha, S/o Munna Baitha
2. Julmi Sah @ Julmi @ Baliram Sah, S/o Kashi Sah
3. Shiv Baitha, S/o Ramdeo Baitha

All are Resident of Village- Koluhan, P.S.- Adhaura, District- Kaimur (Bhabhua).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 29-06-2021 Heard Mr. Binod Kumar Singh, the learned Advocate for the appellants and Mr. Sadanand Paswan, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 17.09.2020 passed by the learned Addl. District and Sessions Judge-I-Cum-Special Judge, Kaimur at Bhabhua in connection with Adhaura P.S. Case No. 54 of 2019,



instituted for the offences under Sections 341, 324, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act, whereby their prayer for grant of anticipatory bail has been rejected.

It has been alleged in the F.I.R. that while the informant was going to attend the call of nature, one Bajrang Sah is said to have fired at the informant causing injuries in his left elbow.

It has been submitted on behalf of the appellants that Bajrang Sah had earlier filed a case against the informant and others and the appellants are associated with aforesaid Bajrang Sah and, therefore, they have been prosecuted in this case. Though, the appellants have been named in the F.I.R., but there is nothing specific against them.

It has been urged on behalf of the appellants that initially the case was filed under the various sections of the I.P.C. and the Arms Act but later, the police submitted charge-sheet under I.P.C. sections as also under the S.C./S.T. (Prevention of Atrocities) Act.



Regard being had to the aforesaid submissions, the order dated 17.09.2020, referred to above, is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-I-Cum-Special Judge, Kaimur at Bhabhua\ in connection with Adhaura P.S. Case No. 54 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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