

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.543 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- SINGHIYA District- Samastipur

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1. Ritik Kunwar @ Sarlu, aged about 19 years, Male, S/O Vimleshwar Kunwar
 2. Vikash Kunwar, aged about 19 years, Male, S/O Subodh Kunwar
 3. Sudhir Nayak, aged about 30 years, Male, S/O Kishun Nayak, all resident of Village- Salha, P.S.- Singhia, Distt- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Singh, Advocate
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-03-2021 Heard learned counsel for the appellants and learned
A.P.P. for the State.

The appeal is against the order dated 29.09.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur, District – Samastipur in connection with Singhia P.S. Case No.41 of 2020 for the offences punishable under Sections 307, 323, 324, 341, 504 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 (i)(r) & 3(2)(va) of SC/ST (Prevention of Atrocities) Act, has been rejected.

The prosecution case in short is that the song of the



informant namely Vijay Kumar Safi was sitting at his shop at about 6.30 P.M. and in the meantime, three persons arrived thereon a motorcycle and started abusing the son of the informant in the name of his caste and started demanding some articles from the shop. It is further alleged that all accused persons took out their arms and subsequently fired on the thigh of the son of the informant. The victim was taken to health Centre with the help of villagers and from where he was referred to DMCH.

The informant further provided the Registration number of the motorcycle as BR07 W-0250 (Passion Pro) through which appellants arrived at the shop of the informant's son. It is further alleged that after getting down from the Bike, the appellant no.1 came at the shop and abusively demanded some article. In the meantime, the appellant no.2 enquired as to whether the concerned article would be delivered by Vijay Kumar Safi. It is further alleged that in the meantime, the appellant no.1 pointed his pistol on the temporal region of Vijay Safi and Sudhir Nayak (appellant No.3) ordered to make firing over himself and thereafter, all accused persons made two rounds of firing and allegedly the appellant nos.1 and 2 fired on the son of the informant and after all all accused persons fled away from the place of occurrence leaving the bike on the shop.



Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. The injury report shows that only one fire arm injury has been found on the informant. The statement of the victim has been recorded by the police in paragraph-39 of the case diary in which it is recorded that the appellant no.1 has fired upon the victim. There is no specific allegation against appellant nos.2 and 3. He further submits that no offence is made out against the appellants under SC/ST Act.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellant nos.2 and 3 be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Samastipur in connection with Singhia P.S. Case No.41 of 2020.

Prayer for bail of appellant no.1, namely, Ritik Kunwar @ Sarlu is hereby rejected.

However, appellant no.1 is at liberty to renew his prayer for bail after six months.



Accordingly, the order dated 29.09.2020 is set aside
and appeal is partly allowed.

(Anjani Kumar Sharan, J)

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