

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1721 of 2022

Arising Out of PS. Case No.-343 Year-2021 Thana- MADANPUR District- Aurangabad

-
-
1. PAWAN KUMAR SINGH @ BABU Son of Late Baban Singh Resident of Village - Devjara, P.s.- Madanpur, Distt.- Aurangabad. (Bihar)
 2. Pankaj Singh Son of Late Baban Singh Resident of Village - Devjara, P.s.- Madanpur, Distt.- Aurangabad. (Bihar)
 3. Sharan Singh @ Rajeev Kumar Son of Late Baban Singh Resident of Village - Devjara, P.s.- Madanpur, Distt.- Aurangabad. (Bihar)
 4. Basant Singh Son of Late Kedar Singh Resident of Village - Devjara, P.s.- Madanpur, Distt.- Aurangabad. (Bihar)
 5. Gudar Singh @ Gurar Singh Son of Late Shival Singh Resident of Village - Devjara, P.s.- Madanpur, Distt.- Aurangabad. (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Faguni Bhuiyan @ Faguni Manjhi Son of Khedan Bhuiyan Resident of Village - Aant, P.s.- Madanpur, Distt.- Aurangabad. (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Leelawati Kumari
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-07-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 04.12.2021 passed by learned 1st Additional District And Sessions Judge-Cum-Special Judge (SC/ST), Aurangabad in ABP No. 1559/2021 whereby the prayer for bail of the appellant in connection with Madanpur P.S. Case no. 343/2021 under Section 147, 148, 149, 341, 323,



324, 307, 504, 506 of the Indian Penal Code, Sections 27 of the Arms Act, 1959 and sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act was rejected.

Allegations against the appellants is of abusing, assaulting by gadasa and opening fire upon the informant which hit none.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. There is case and counter case. Both parties have sustained injuries. No offence is made out under the provisions of the SC/ST Act against them. The appellants have no intention to disgrace the image of the informant by taking his caste name in public view. In impugned order, there is no explanation about the injury.

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

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 04.12.2021 passed in A.B.P. No 1559/2021 is hereby set aside.



The appellants are directed to be enlarged on bail in connection with Madanpur P.S. Case No. 343/2021 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District And Sessions Judge-Cum-Special Judge (SC/ST), Aurangabad.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

