

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2218 of 2022

Arising Out of PS. Case No.-262 Year-2020 Thana- PARSABAZAR District- Patna

Doctor @ Santosh Kumar S/o Ganori Ram Resident, of Kalyanpur,
Kankattichak, P.S.- Parsa Bazar District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Anil Paswan Bir Bhadur Paswan, Resident of village and P.O- Sakaraicha,
P.S.- Parsa Bazar Dist- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surya Swetabh, Adv.
For the Respondent/s : Mr. Usha Kumari No.1, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 15-11-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The appellant has preferred this appeal against the order dated 30.05.2022 passed by learned Special Judge, (SC/ST) Act, Patna in Spl. Case No. 379 of 2020 whereby the prayer for bail of the appellant in connection with Parsa Bazar P.S. Case No. 262 of 2020, lodged under Sections 147, 148, 149, 341, 323, 307 of the Indian Penal Code read with Section 27 of Arms Act and Section 3(2)(V) of Schedule Caste and Schedule Tribe Act (Prevention of Atrocities) Act, was rejected.

As per prosecution case, it is stated that 7 named accused persons including the present appellant came on 3

motorcycles, accused Chillar is stated to have ordered that the informant should be shot on which the accused Jitendra fired twice which hit the informant in his leg and stomach.

Learned counsel for the appellant submits that appellant is innocent and has committed no offence, he has been falsely implicated in this case with an oblique motive. He further submits that there is no allegation of act or overt act upon the present appellant. He also submits that appellant is in custody since 26.12.2021, his antecedent is clean and charge sheet has already been filed in this case. Learned counsel also submits that other co-accused persons against whom there are certain allegations were granted bail by the Co-ordinate Bench of this Court vide orders dated 07.04.2021 & 24.06.2021 passed in Cr. Appeal (SJ) Nos. 965 of 2021 & 2614 of 2021 respectively.

Learned Special Public Prosecutor opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the appellant above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, (SC/ST) Act, Patna in

connection with Parsa Bazar P.S. Case No. 262 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

The order dated 30.05.2022 passed by learned Special Judge, (SC/ST) Act, Patna in Spl. Case No. 379 of 2020 arising out of Parsa Bazar P.S. Case No. 262 of 2020 is hereby set-aside.

With this observation, the criminal appeal stands allowed.

(Dr. Anshuman, J.)

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