

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3731 of 2021**

Arising Out of PS. Case No.-188 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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MD KHUSHNUD S/o Md. Kayum R/o Village- Nagdah, P.S.- Begusarai
Muffasil (Singhaul O.P.), District- Begusarai.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Amresh Kumar son of Shankar Paswan resident of village- Nagdah, ward
no. 10, P.S.- Muffasil, District-Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shubhesh Pandey, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 24-03-2022 Heard Mr. Shubhesh Pandey, learned counsel for the
appellant and Mr. Binay Krishna, learned Spl.P.P. for the State.

Vide order dated 14.12.2021, notice was directed to be
issued upon the respondent no.2 and as per office notes dated
09.03.2022, though notice has been validly served but nobody
has entered appearance on behalf of the respondent no.2.

This is an appeal under section 14A (2) of the SC/ST
(Prevention of Atrocities) Act, against the refusal of prayer for
bail vide order dated 09.08.2021, passed by learned court of
Special Judge- SC/ST (POA) Act, Begusarai, in connection with
Begusarai Muffasil (Singhaul) P.S. Case No.188 of 2021,
registered under sections 324, 307, 504/34 of the IPC, section



27 of the Arms Act and sections 3(1),(v),(r) (s), 3 (2) (va) / 3(2v) of the SC/ST (POA) Act.

The prosecution case in brief is that while the informant was on a visit to his land, the appellant made a firing in the air and on objection raised by the informant, he started abusing the informant and made a firing upon him, due to which he sustained firearm injury on the palm of his hand.

It is submitted by learned counsel for the appellant that no such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case due to a land dispute. The injuries, as opined by the Doctor is simple in nature. There is an inordinate delay of two days in lodging the F.I.R. and no plausible explanation has been given for such delay, which creates doubt about the prosecution case. The appellant has one criminal antecedent and has been languishing in custody since 12.04.2021.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstance of the case, considering the custody undergone, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge- SC/ST



(POA) Act, Begusarai, in connection with Begusarai Muffasil
(Singhaul) P.S. Case No.188 of 2021.

The impugned order is accordingly set aside and the
appeal is allowed.

(Anjani Kumar Sharan, J)

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