

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2932 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- SAKATPUR District- Darbhanga

Raju Chaudhary Son Of Late Kamlesh Chaudhary Resident Of Village
Nadiyami Surtihari Tola, Ps- Sakatpur, District- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalchand Chaupal Son Of Ashok Chaupal Resident Of Village- Kurso
Nadiyami, Ps- Sakatpur, District- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amarendra Narayan
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 27.05.2023 passed by learned 3rd Additional Sessions Judge-cum- Exclusive Special Judge (SC/ST Act), Darbhanga, whereby the prayer for bail of the appellant in connection with Sakatpur P.S. Case No. 16 of 2023 under Sections 341, 323, 307, 504/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)/ 3(i)(s) and 3(i)(w) of the SC/ST Act was rejected.

3. The allegation against the appellant along with others is of firing upon the informant, due to which he sustained



injury.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. It is evident from the FIR that the allegation against the appellant is of firing upon the informant but he narrowly escaped and the other co-accused person fired upon the informant due to which he sustained injury. There is no specific overt act against the appellant. He further submitted that from the perusal of the Injury report, which is mentioned in the case diary, the doctor opined that all the injuries are simple in nature. Appellant has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 07.05.2023.

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

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 27.05.2023 arising out of Sakatpur P.S. Case No. 16 of 2023 is hereby set aside.



7. The appellant is directed to be enlarged on bail in connection with Sakatpur P.S. Case No. 16 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Exclusive Special Judge (SC/ST Act), Darbhanga.

(Sunil Kumar Panwar, J)

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