

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.883 of 2023

Arising Out of PS. Case No.-431 Year-2022 Thana- PALIGANJ District- Patna

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Amit Kumar Son Of Rajnath Singh R/V- Parion, P.S- Paliganj, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Satendra Rajak Son of Late Bipat Rajak R/V- Parion, P.S- Paliganj, Dist- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Ranjay Kumar Singh
For the Respondent/s	:	Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 21-09-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 18.01.2023 passed by learned Special Judge SC/ST (POA) Act, Patna whereby the prayer for bail of the appellant in connection with Paliganj PS. Case No. 431 of 2022 under Sections 341, 323, 354, 452, 504/34 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(i)(r)(s) of SC/ST Act was rejected.

As per allegation in the FIR, several accused



persons including the appellant came at the house of informant armed with *lathi* and *danda* and started to abuse the informant and assaulted his wife who was elected as Mukhiya. It is alleged against the appellant that he opened fire.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous election dispute and dirty village politics. Though the appellant is alleged to have opened fire but it did not hit anyone. As per F.I.R the occurrence took place in the house of the informant. Hence, the provision under SC/ST Act would not be made applicable in the case of the appellant. He has got no criminal antecedent and languishing in judicial custody since 21.11.2022.

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 appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 18.01.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Paliganj PS Case No. 431 of 2022 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 Special Judge SC/ST (POA) Act, Patna.

(Sunil Kumar Panwar, J)

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