

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1092 of 2023**

Arising Out of PS. Case No.-47 Year-2022 Thana- PAWANA District- Bhojpur

Sonu Yadav S/O Vinay Yadav @ Nanhak Yadav @ Vinay Singh Resident Of
Village- Pawar, P.S.- Pawana, District- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar Paswan S/O Lal Mohan Paswan Resident Of Village- Pawar,
P.S.- Pawana, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dharmesh Kumar Shrivastava
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 11-05-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated
19.01.2023 passed by learned Additional Sessions
Judge, 1st, Bhojpur at Ara in connection with Pawana
P.S. Case No. 47 of 2022 instituted for the offences
punishable under Sections 341, 323, 325, 307, 302,
504/34 of the Indian Penal Code, Section 27 of the
Arms Act and Sections 3(1)(r)(s)/3(2)(v) of the SC/ST
Act whereby his prayer for being released on bail has
been rejected.



The prosecution case as per F.I.R is that in the background of some petty dispute, all the F.I.R named accused persons including the appellant came at the house of the informant and started abusing by calling caste name. The accused persons, thereafter assaulted the informant's side. It is specifically alleged against co-accused Bhim Yadav that he fired from his pistol upon the son and grand-mother of the informant who sustained gunshot injuries. The grand-mother of the informant subsequently succumbed to the injuries.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant is only alleged to be the member of the unlawful assembly having no allegation of overt act. The specific accusation of gunshot firing to the deceased is against co-accused Bhim Yadav. The appellant is in custody since 07.11.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent.



Learned counsel for the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 19.01.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhojpur at Ara in connection with Pawana P.S. Case No. 47 of 2022.

(Sunil Kumar Panwar, J)

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