

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1025 of 2022**

Arising Out of PS. Case No.-534 Year-2021 Thana- ALAMGANJ District- Patna

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Sonu Kumar S/O- Bhola Prasad R/O- Sampatchak, Sohagi More, Near Devi  
Asthan, P.S. - Gaurichak, Distt. - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Renu Devi wife of Jaggu Choudhary R/O Gurkimandi, P.S.-Alamganj Dist-  
Patna

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Nityanand Kumar  
For the Respondent/s : Mr.A.G.

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

5      16-03-2023                      Heard learned counsel for the appellant and  
  
learned Special Public Prosecutor for the State.

The present appeal has been filed by the  
  
appellant against the order dated 28.02.2022 passed by  
  
learned Additional Sessions Judge-III-cum-Special Judge  
  
SC/ST Act, Patna in Alamganj P.S. Case No. 534 of  
  
2021 (Special Case No. 236 of 2021) whereby the  
  
prayer for bail of the appellant under Sections 302,  
  
120B/34 of the Indian Penal Code, Section 27 of the  
  
Arms Act and Sections 3(2)(v)a of SC/ST(Prevention of



Atrocities) Act was rejected.

As per allegation in the FIR, under a conspiracy and with common intention all the accused persons encircled the husband of the informant and accused Naga @ Sonu and Baliya opened fire upon him, as a result of which he received bullet injury and fell down unconsciously. When the informant took her husband to NMCH, doctor declared him dead.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Appellant is not named in the FIR, rather his name has been surfaced only on the re-statement of the informant which was given to the police after 42 days of the occurrence. Moreover, the specific allegation of opening fire is against co-accused Naga @ Sonu and Baliya and not against the appellant. Appellant was not present at the time and place of occurrence. No offence is made out under the provisions of the SC/ST Act against him. He has got no criminal antecedent. Similarly



situated other co-accused persons have already been enlarged on bail vide order dated 25.08.2022 passed in Cr. Appeal (SJ) No. 4953 of 2021 and vide order dated 18.08.2022 passed in Cr. Appeal (SJ) No. 290 of 2022 by different co-ordinate Benches of this Court. Appellant is languishing in judicial custody since 15.10.2021.

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 28.02.2022 passed in Alamganj P.S. Case No. 534 of 2021 (Special Case No. 236 of 2021) is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Alamganj P.S. Case No. 534 of 2021 (Special Case No. 236/21) 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 Additional Sessions Judge-III-cum-Special  
Judge SC/ST, Patna.

**(Sunil Kumar Panwar, J)**

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