

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1083 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- BALIYA District- Begusarai

Md. Ashique @ Md. Asif Son Of Md. Sultan @ Md. Kamar Sultan Resident
Of Village- Lakhminia (Ward No.18), P.S.- Ballia, District- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mantosh Kumar Choudhary Son of Baidyanath Choudhary Resident of
Village- Musechak, P.S.- Ballia, District- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abul Kalam

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-05-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated

18.08.2021 passed by learned Special Judge SC/ST Act,

Begusarai in connection with Ballia P.S. Case No. 115 of

2021 instituted for the offences punishable under

Sections 341, 323, 307/34, 120(B) of the Indian Penal

Code, Sections 3(1)(r)(s) of the SC/ST (POA), Act and

Section 27 of the Arms Act, whereby his prayer for

being released on bail has been rejected.

The prosecution case as per F.I.R is that on



13.04.2021 at about 11:10 P.M., the informant received a call from one Lagma Khatoon who told him to come to Janipur Chowk and on her call, he reached there. When the informant reached there, the appellant along with other co-accused persons caught hold of him and dragged him to a mangrove and tied his hands and feet. It is alleged that at the instigation of co-accused Dharmendra Pandit, the appellant opened fire and assaulted the informant on his head with the butt of his pistol and also abused him by calling his caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant. For the alleged occurrence of 13.04.2021, the fardbeyan was recorded on 18.04.2021 and the F.I.R was registered on 04.05.2021 without explaining the delay. The injuries were found to be simple in nature. The appellant is in custody since 27.06.2021. Moreover, other co-accused



has been granted bail by a coordinate Bench of this Court vide order dated 08.10.2021 passed in Cr. Appeal (SJ) No. 4065 of 2021.

Learned Special P.P appearing on behalf of the State has 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 18.08.2021.

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 Special Judge, SC/ST (POA) Act, Begusarai in connection with Ballia P.S. Case No. 115 of 2021.

(Sunil Kumar Panwar, J)

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