

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1634 of 2023

Arising Out of PS. Case No.-175 Year-2022 Thana- BELDOUR District- Khagaria

1. Jiyalal Sharma Son Of Late Wakil Sharma Resident Of Village - Gandhi Nagar, Itmadi, Police Station - Beldour, District - Khagaria
2. Lawan Sharma @ Lawan Kumar Son of Late Subhash Sharma Resident of village - Gandhi Nagar, Itmadi, Police Station - Beldour, District - Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjit Paswan Son of Kashi Paswan Resident of village - Gandhinagar, Itmadi, P.S.- Beldour, District - Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bharat Bhushan
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 24-08-2023 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated

17.02.2023 passed by learned Additional Sessions

Judge, 1st, Khagaria-cum-Special Judge SC/ST Act,

Khagaria in connection with Beldaur P.S. Case No. 175

of 2022 instituted for the offences punishable under

Sections 341, 323, 447, 326, 307, 34 of the Indian

Penal Code, Section 27 of the Arms Act and Sections

3(1)(r)(s), 3(2)(va) of the SC/ST Act whereby their



prayer for being released on bail has been rejected.

The prosecution case as per F.I.R is that the accused persons including the appellants without any rhyme or reason have assaulted the informant and they fired indiscriminately causing firearm injury to one Pritam Kumar.

It is submitted by learned counsel for the appellants that appellants are innocent and they have falsely been implicated in this case. From bare perusal of the F.I.R, it appears that there is no specific allegation of any assault or overt act attributed against the appellants rather there is general and omnibus allegation against all the accused persons including the appellants. As per F.I.R, the occurrence did not take place in public view. Hence, the provision under SC/ST would not be applicable in the case of the appellants. The appellants are in custody since 17.12.2022.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the



appellants.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 17.02.2023.

Accordingly, this appeal is allowed.

The appellants, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Khagaria in connection with Beldaur P.S. Case No. 175 of 2022.

(Sunil Kumar Panwar, J)

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