

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1806 of 2023

Arising Out of PS. Case No.-77 Year-2017 Thana- BACHHWARA District- Begusarai

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1. MANOJ SINGH Son of Bhola Singh R/V- Hadipur, PS- Bachhwara, Dist- Begusarai
 2. Sonu Singh Son of Bhola Singh R/V- Hadipur, PS- Bachhwara, Dist- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandra Kala Devi Wife of Late Ramsagar Paswan R/V- Kadarabad, PS- Bachhwara Dist- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sabal Kumar Jha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 27-04-2023 Though notice has been issued to O.P. No. 2, no one has turned up to assist the Court.

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 16.3.2023 passed by learned court of Exclusive Special Judge SC/ST (POA) Act, Begusarai whereby the prayer for bail of the appellants in connection with Bachhwara P.S. Case No. 77 of 2017 under Section 27 of the Arms Act and sections 3(2)(V) of the SC/ST Act was rejected.

Allegations against the appellants is of opening



indiscriminate firing upon the husband of the informant, namely, Sagar Paswan, who succumbed to injuries on way to hospital.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. They have not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. The appellant has no intention to disgrace the image of the informant in public view. In fact, at the alleged time of occurrence, both the appellants are in custody in another case and on 25.8.2017 they were remanded in the present case and since then they are languishing in judicial custody. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 29.01.2020 passed in Cr. Appeal (SJ) No. 5642 of 2019.

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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 16.03.2023 passed in Bachhwara P.S. Case No. 77 of 2017 is hereby set aside.



The appellant is directed to be enlarged on bail in connection with Bachhwara P.S. Case No. 77 of 2017 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Special Judge SC/ST (POA) Act, Begusarai.

(Sunil Kumar Panwar, J)

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