

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1782 of 2023

Arising Out of PS. Case No.-156 Year-2021 Thana- SONEPUR District- Saran

GUDDU KUMAR @ GUDDU RAI SON OF NAYAK RAI Resident of
village - Sabalpur Pachiyari Tola, P.S. - Sonpur, Distt. - Saran

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. UMESH KUMAR BHAGAT SON OF DHANNU PASWAN Resident of
village - Sabalpur Nahari Bazar, P.S. - Sonpur, Distt. - Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Priyanka Singh

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 21-09-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 14.3.2023 passed by learned 3rd Additional Sessions Judge-cum-SC/ST Special Court, Saran whereby the prayer for bail of the appellant in connection with Sonpur PS Case No. 156 of 2021 under Sections 341, 323, 324, 448, 504, 506, 307, 379, 354-B of the Indian Penal Code, Sections 27 of the Arms Act and sections 3(i)(r)(s) of the SC/ST Act was rejected.

As per allegation in the FIR, all FIR named accused persons, arms with various weapon, entered into the house of



the informant and on order of accused Vijay Rai, other accused persons assaulted the informant and his family members. Appellant and co-accused Sanjeet Kumar assaulted Sanjay Kumar Paswan mercilessly.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Injured Sanjay Kumar Paswan has sustained simple injury caused by hard and blunt substance, so no case is made out u/s 307 IPC and other rest of the sections are bailable. He has 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. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 29.10.2021 passed in Cr. Appeal (SJ) No. 4082 of 2021. Appellant is languishing in judicial custody since 7.2.2023.

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 14.3.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Sonpur PS Case No. 156 of 2021 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 3rd Additional Sessions Judge-cum-SC/ST Special Court, Saran.

(Sunil Kumar Panwar, J)

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