

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1914 of 2023**

Arising Out of PS. Case No.-122 Year-2021 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

ROUSHAN KUMAR @ VIKASH ROUSHAN SON OF TIRANJU
PRASAD @ ABHIMANYU PRASAD SINHA RESIDENT OF VILLAGE-
PANCHI, PS- SHEIKHOPUR SARAI , DISTT- SHEIKHPURA,

... .. Appellant/s

Versus

1. The State of Bihar
2. BHARAT MANJHI SON OF DINESH MANJHI RESIDENT OF
VILLAGE- PANCHI, PS SHEIKHOPUR SARAI, DISTT- SHEIKHPURA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pankaj Kumar
For the Respondent/s : Mr.Sadanand Paswan

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 appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant
against the order dated 24.03.2023 passed by learned 1st
Additional District and Sessions Judge Sheikhpura in BP No.
376 of 2023 whereby the prayer for bail of the appellant in
connection with Sheikhopur Sarai P.S. Case no. 122 of 2021
under Sections 147, 148, 149, 302, 504, 506 of the Indian Penal
Code and sections 3(i)(r)(s) and 3(ii) V of the SC/ST Act was
rejected.



Allegations against the appellant is of abusing and opening fire upon the chest of the father of the informant, who died on the spot by co-accused Prahalad Kumar Prasad while he was returning after call of nature with his son. The occurrence took place in the background of illicit relation of co-accused Prahlad Kumar Prasad with the wife of co-accused Anandi Manjhi which was opposed by the father of the informant.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous dispute. 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 him. Specific allegation of opening fire is against co-accused Prahlad Kumar Prasad. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 10.03.2022 passed in Cr. Appeal (SJ) No. 4669 of 2021. Appellant is languishing in judicial custody since 6.3.2023.

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 24.03.2023 passed in B.P. No. 376 of 2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Sheikhopur Sarai P.S. Case No. 122 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 1st Additional District and Sessions Judge Sheikhpura.

(Sunil Kumar Panwar, J)

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