

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2114 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- ALOULI District- Khagaria

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LAXMAN SADA S/O Aitwari Sada R/O Village- Machhra, P.S- Alauli,
Distt.- Khagaria.

... .. Appellant/s

Versus

THE STATE OF BIHAR PATNA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ram Sumiran Rai
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 21-09-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
02.02.2023 passed by learned Additional Sessions
Judge-I-cum-Special Judge, SC/ST Act, Khagaria in
connection with Alauli P.S. Case No. 415 of 2022
instituted for the offences punishable under Sections
147, 148, 149, 341, 323, 302, 504, 506 of the Indian
Penal Code, Section 27 of the Arms Act and Sections
3(2)(v) of the SC/ST Act whereby his prayer for being
released on bail has been rejected.

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



08.09.2022, the appellant along with other co-accused persons being armed with riffle, pistol and three-nut came to the informant and co-accused Shila Patel abused by calling caste name and ordered to fire upon which co-accused Ramnath Sada fired from the three-nut which hit on the chest of the husband of the informant who succumbed to the injuries. Co-accused Tarni Sada made firing from three-nut which hit Ramjugeshwar Sada in his hand. It is alleged against the appellant that he assaulted with the butt of the pistol to Harinandan Sada.

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. There is land dispute between the parties. The specific accusation of assaulting to the deceased is not against the appellant. The appellant is in custody since 12.09.2022. Moreover, other similarly situated co-accused person has been



granted bail by a coordinate Bench of this Court vide order dated 28.04.2023 passed in Cr. Appeal (SJ) No. 2054 of 2023.

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 02.02.2023.

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 Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Khagaria in connection with Alauli P.S. Case No. 415 of 2022.

(Sunil Kumar Panwar, J)

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