

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2432 of 2023**

Arising Out of PS. Case No.-392 Year-2022 Thana- ALOULI District- Khagaria

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Raja Paswan S/O- Arun Paswan Village- Hathwan Ps- Alauli Dist- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Shyam Sunder Sah son of Late Bindeshwari Sah Village- Hathwan Ps- Alauli dist- Khagaria

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Thakur Brajesh Singh
For the Respondent/s	:	Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-11-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 23.01.2023 passed by learned Additional Sessions Judge 1st-cum Spl. Judge SC/ST, Act, Khagaria whereby the prayer for bail of the appellant in connection with Alauli P.S. Case No. 392 of 2022 under Sections 353, 332, 307, 120B, 34 and 302 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(2) (v) of SC/ST Act was rejected.

3. As per allegation in the FIR, co-accused Prafull and Rahul opened fire upon one Jai Narayan Paswan which



hit his Panjara and he succumbed to injury and informant received fire arm injury on his leg.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant is not named in FIR rather his name came into light in this case during the course of investigation. There is no any specific overt act of firing against the appellant. Nothing consistent material has come against the appellant. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 21.09.2023 in Cr. Misc. No. 2799 of 2023. Moreover, the appellant is languishing in judicial custody since 21.10.2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. 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 23.01.2023 is hereby set aside.



7. The appellant is directed to be enlarged on bail in connection with Alauli P.S. Case No. 392 of 2022 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 Additional Sessions Judge 1st-cum Spl. Judge SC/ST Act, Khagaria.

(Sunil Kumar Panwar, J)

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