

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2499 of 2023**

Arising Out of PS. Case No.-10 Year-2023 Thana- NOWKOTHI GARHPURA District-
Begusarai

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TUNNI SINGH S/O LATE HARI SINGH R/O Village- Pahsara, P.S-
Nawkothe, Distt.- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Sada S/O Late Jattu Sada R/O Village- Pahsara, Ward No. 06, P.S-
Nowkothe, Distt.- Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arjun Prasad
For the Respondent/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 14-09-2023 Heard learned counsel for the appellant, informant
and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant
against the order dated 08.05.2023 passed by learned Exclusive
Special Judge SC/ST (PoA)Act, Begusarai, whereby the prayer
for bail of the appellant in connection with Nowkothe P.S. Case
No. 10 of 2023 under Sections 324 and 307 of the Indian Penal
Code, Section 27 of the Arms Act and Sections 3(1)(2)(va) of
the SC/ST Act was rejected.

3. The allegation against the appellant along with
others is of opening fire in the air and one fire was made on the
land due to which the son of the informant sustained injury by



gun-powder.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. From the perusal of the FIR, it appears that this is a case of accident and the appellant has no intention to fire on the informant's son. From the perusal of the injury report of the informant's son, it appears that the injury is simple in nature. 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 has no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 28.03.2023.

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

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 08.05.2023 arising out of Nowkothi P.S. Case No. 10 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Nowkothi P.S. Case No. 10 of 2023 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 Exclusive Special Judge SC/ST (PoA)Act,
Begusarai.

(Sunil Kumar Panwar, J)

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