

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2676 of 2023

Arising Out of PS. Case No.-1 Year-2022 Thana- SAKURABAD District- Jehanabad

Kundan Sharma S/O Ram Ekbal Sharma R/O Village- Harana Khas Ps.
Sakurabad Dist. Jehanabad

... .. Appellant/s

Versus

1. The State Of Bihar
2. Bakhora Paswan S/O Late Gopal Paswan R/O Village- Rustamchak Ps.
Sakurabad Dist. Jehanabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Prawesh Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-08-2023 Heard learned counsel for the appellant and

learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 06.04.2023 passed by learned Additional District Judge-I-cum-Special Judge SC/ST Act, Jehanabad whereby the prayer for bail of the appellant in connection with Shakurabad P.S. Case no. 01 of 2022 under Section 341, 323, 302, 307, 504, 34 of the Indian Penal Code, Sec. 27 of the Arms Act and sections 3(1)(r)(S)/ 3(2)(Va) of the of SC/ST Act was rejected.



As per allegation in the FIR, appellant and his associates fired on the informant and his friend Shambhu Yadav on account of previous enmity. Later on, informant's friend died due to gun shot injuries.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The appellant was not apprehended from the spot. Nothing has been recovered from the conscious possession of the appellant. The specific allegation of opening fire to the deceased is against Benkatesh Sharma @ Dara Singh and not against the appellant. There is general and omnibus allegation against the appellant. No offence is made out under the provisions of the SC/ST Act against him. Similarly situated other accused person has already been enlarged on bail vide order dated 19.01.2023 passed in Cr. Appeal (SJ) No. 3248 of 2022.

The appeal for bail is opposed by learned Special 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 06.04.2023 passed in Shakurabad P.S. Case No. 01 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Shakurabad P.S. Case No. 01 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 District Judge-I-cum-Special Judge SC/ST Act, Jehanabad.

(Sunil Kumar Panwar, J)

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