

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2757 of 2022**

Arising Out of PS. Case No.-33 Year-2022 Thana- HALSI District- Lakhisarai

Chandan Ram S/O Gurusahay Ram R/O Village- Purvi Giddha, P.O.- Kairdi,
P.S.- Halsi, District- Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Ram, Assistant Sub. Inspector of Police, P.S.- Halsi, District-
Lakhisarai Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jata Shankar Jha
For the Respondent/s : Mr.Binay Krishna

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

5 23-03-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
26.04.2022 passed by learned Additional District &
Sessions Judge-I-cum-Special Judge, Lakshisarai in
connection with Halsi P.S. Case No. 33 of 2022
instituted for the offences punishable under Sections
341, 307, 342, 323, 324, 332, 353, 504/34 of the
Indian Penal Code, Section 27 Arms Act and Sections
3(i)(r)(s)/3(ii)(v-a) 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 account of the issue on fishing, the villagers of both East Giddha and West Giddha having armed with Lathi, Danda and bamboo assembled and assaulted one Visheshwar Ram, who was saved by the Police thereupon, the villagers started abusing the police by taking his caste name and also assaulted the informant due to which he received head injury. It is further alleged that the villagers also assaulted ASI Fasi Ahmad and Chaukidar.

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 and there is no specific allegation against the appellant as to what role he has played. It is further alleged that he has been identified by the Chaukidar and save and except the disclosure made by the Chaukidar, there is no material against the appellant and moreover, other co-accused



persons having identical allegation have already been granted bail by this Hon'ble Court in Cr. Misc. No. 1723 of 2021 vide order dated 21.07.2022 and Cr. App. (SJ) No. 1380 of 2022. The appellant is languishing in custody since 26.03.2022.

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 26.04.2022 passed by learned Additional District & Sessions Judge-I-cum-Special Judge, Lakshisarai in connection with Halsi P.S. Case No. 33 of 2022.

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 District & Sessions Judge-I-cum-Special Judge, Lakshisarai in



connection with Halsi P.S. Case No. 33 of 2022.

(Sunil Kumar Panwar, J)

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