

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3096 of 2023

Arising Out of PS. Case No.-390 Year-2022 Thana- BANMANKHI District- Purnia

SUMAN DAS S/O LATE RAJESHWAR DAS R/O Village- Jiwachpur
Harahi, P.S- Banmankhi, Distt.- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanichar Rishi S/O Late Jiyalal Rishi R/O Village- Jiwchpur, Channan Tola,
Ward No. 1, P.S- Banmankhi, Distt.- Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal Sr. Adv.
	:	Anirud Kumar
	:	Mr.Dr. Bidhu Ranjan
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-09-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 25.5.2023 passed by learned Special Judge, SC/ST Act, Purnea whereby the prayer for bail of the appellant in connection with Banmankhi P.S. Case no. 390 of 2022 under Sections 147, 148, 149, 447, 504, 506 of the Indian Penal Code, section 27 of the Arms Act and sections 3(i)(r)(s) of SC/ST Act was rejected.

3. The appellant along with others is alleged to have opened fire and assaulted the informant by taking his caste name. The alleged occurrence took place in the background of



land dispute between the parties.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics and land dispute. He has not taken the caste name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against him. The appellant is alleged to have opened fire but during course of this incident, no one sustained injuries. It is further submitted that the appellant is languishing in judicial custody since 1.5.2023.

5. Learned Spl P.P. appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail.

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 25.5.2023 passed in Banmankhi P.S. Case No. 390 of 2022 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Banmankhi P.S. Case No. 390 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 Special Judge, SC/ST Act, Purnea.

(Sunil Kumar Panwar, J)

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