

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 3273 of 2023

Arising Out of PS. Case No.-396 Year-2022 Thana- KHAJEKALA District- Patna

=====

KUNAL RAJ @ KUNAL KUMAR S/O BAJRANGI PRASAD @
BAJRANGI MAHTO R/O Mohalla- Mogalpura, Lala Toli, Koiri Tola, P.S-
Khajekalan, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ritik Kumar S/O Rajesh Chaudhary R/O Mohalla- Mogalpura, Lalal Toli,
P.S- Khajekalan, Distt.- Patna.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr Rudra Deo, Advocate
For the S t a t e	:	Mr Sadanand Paswan, Special PP
For Respondent No 2	:	Mr Bindeshwar Prasad Singh, Advocate

=====

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL JUDGMENT

Date : 08-09-2023

Heard the parties.

2 This appeal is directed against the order dated 14.06.2023 passed by Incharge Special Judge, SC/ST (POA) Act, Patna whereby and whereunder the prayer for bail of the appellant has been rejected in Special (SC/ST) S N Case No 388 of 2022 arising out of Khajekalan PS Case No 396 of 2022 registered for the offence punishable under Section 307 of IPC, Section 27 of Arms Act and Sections 3 (i) (r) (s)/3 (2) (Va) of SC/ST (POA) Act.

3 As per the prosecution story, the informant has alleged that while he was returning from coaching institute, this appellant started abusing him and on protest, he opened fire which did not



hit him. Upon hearing the sound of firing, people assembled whereafter he escaped. Accordingly, the FIR.

4 It is the case of the appellant that only to frame the appellant, the present case has been lodged. The appellant is also a student, 20 years of age, it is not the case of the informant that any injury has been inflicted upon him, he is in jail since 03.01.2023 (paragraph 4 of the Memo of Appeal).

5 In this case, notices were issued upon respondent No 2 by an earlier Bench on 28.07.2023 and learned counsel for respondent No 2 is present.

6 His submission is that due to confusion, the FIR was lodged. Both belonging to the same place, they have decided to patch up the matter.

7 So far as the bail part is concerned, taking into account the fact that the appellant is in custody since 03.01.2023, 20 years of age and it is not the case that any injury has been inflicted upon the informant, this Court is inclined to extend him the privilege of bail.

8 This appeal is allowed and the order dated 14.06.2023 passed by Incharge Special Judge, SC/ST (POA) Act, Patna in Special (SC/ST) S N Case No 388 of 2022 arising out of Khajekalan PS Case No 396 of 2022 is set aside.



9 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Court, SC/ST (POA) Act, Patna in Special (SC/ST) S N Case No 388 of 2022 arising out of Khajekalan PS Case No 396 of 2022 subject to the following conditions:

(i) One of the bailors should be the family member of the appellant who shall provide official document to show his bona fide;

(ii) The appellant shall appear on each and every date before the trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the trial Court itself;

(iii) The appellant shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) The appellant shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) The appellant shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.09.2023
Transmission Date	13.09.2023

