

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2985 of 2022**

Arising Out of PS. Case No.-143 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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BHIKHARI SAH @ BHIKHARI KUMAR SAH @ BHIKHARI KUMAR
S/o Ram Badan Sah R/o village - Pahsara, P.S.- Nawkothi, District -
Begusarai.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Suresh Rai S/o late Bino Rai R/o village - Pahsara, Ward No. 3, P.S.-
Nawkothi, District - Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arjun Prasad
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 28-03-2023 Heard learned counsel for the appellant and learned
APP for the State.

Learned counsel for the appellant is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

This appeal has been preferred on behalf of the
appellant under Section 14-A (2) of the SC & ST (Prevention of
Atrocities) Act for setting aside the order dated 11.05.2022 in
connection with Nowkothi P.S.Case No. 143 of 2020 registered
for the offences punishable under Sections 447, 323, 387, 504,
506 and 120(B)/34 of the Indian Penal Code and Section 3(x)



SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

The informant Suresh Ram makes an allegation that he runs a fair price shop under the Public Distribution System. When he was getting unloaded the ration, co-accused Nitish Kumar, Gorelal Singh, Rahul Kumar and Dilkhush Kumar came there carrying a bag, containing a bomb. They abused the informant by calling his case name. Co-accused Gorelal Singh and Nitish Kumar fired shot at the informant, but he escaped the shot and run away. They were also demanding Rs.20,000/- as ransom.

Learned counsel for the appellant has submitted that he is not named in the FIR and one of the name co-accused Dilkhush Kumar @ Sintu Kumar has been granted bail by a coordinate Bench of this Court in Cr. Appeal (SJ)No.3148 of 2021. The appellant is in custody since 01.10.2021. There is no material against the appellant at all, but only for his criminal antecedents, he has been falsely implicated in this case.

Considering the facts and circumstances, the appeal is allowed and the impugned order dated 11.05.2022 is set aside. Accordingly, the appellant, above-named, shall be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with



two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA) Act, Begusarai in connection with Nowkothi P.S.Case No. 143 of 2020.

Office shall ensure that all the defects are removed by the appellant within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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