

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3279 of 2022**

Arising Out of PS. Case No.-2 Year-2022 Thana- HALSI District- Lakhisarai

Rajesh Ram Son Of Suresh Ram @ Umesh Ram Resident Of Village -
Ramchandrapur, P.S.- Pipariya, Distt.- Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Tanti Sonn of Sado Tanti Resident of Village - Nandnama, P.s.-
Ramgarh Chowk, Distt.- Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh
For the Respondent/s : Mr.Usha Kumari 1

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

3 09-02-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated

01.08.2022 passed by learned 1st Additional District &

Sessions Judge-cum-Special Judge, SC/ST Act,

Lakhisarai in connection with Halsi (Ramgarh Chowk)

P.S. Case No. 2 of 2022 instituted for the offences

punishable under Sections 341, 379, 307, 34 of the

Indian Penal Code, Section 27 of the Arms Act and

Sections 3(1)(r), 3 (2)(V-a) of the SC & ST (Prevention

of Atrocities) Act, whereby his prayer for being released



on bail has been rejected.

It is a case of opening fire due to which the informant and his brother sustained gunshot injuries. The accused persons also abused the informant's side by calling caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The petitioner is not named in the F.I.R and in the background of some land dispute, the present accusation has been levelled against the appellant. The accusation of shot fire is not against the appellant. There is general and omnibus allegation against the appellant. As per F.I.R, the occurrence did not take place in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant. The appellant is languishing in custody since 08.01.2022. A statement has been made in para 3 of the petition that appellant is accused in one other case apart from the present one.



Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 01.08.2022 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST Act, Lakhisarai in connection with Halsi (Ramgarh Chowk) P.S. Case No. 2 of 2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned learned Additional District & Sessions Judge-cum-Special Judge, SC/ST Act, Lakhisarai in connection with Halsi (Ramgarh Chowk) P.S. Case No. 2 of 2022.

(Sunil Kumar Panwar, J)

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