

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3678 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- SONEPUR District- Saran

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Nitish Kumar Chaurasiya @ Kanhai Chaurasiya Shivpujan Bhagat @
Shivpujan Prashad @ Shivpujan Prashad Chaurasiya Resident Of Village -
Bharpura, P.S. - Sonpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Malti Devi W/O - Jag Narayan Manjhi R/O Village - Bharpura (VERMA
Chauk Near Railway Line), P.S. - Sonpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rakesh Ranjan
For the Respondent/s : Mr.Binay Krishna
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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-11-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated
20.07.2023 passed by learned 3rd Additional Sessions
Judge-cum-Special Court, SC/ST, Saran at Chapra in
connection with Sonpur P.S. Case No. 113 of 2023
instituted for the offences punishable under Sections
341, 323, 324, 504, 506, 354(B) of the Indian Penal
Code and Sections 3(i)(r)(s), 3(2)(va) of the SC/ST Act
whereby his prayer for being released on bail has been



rejected.

It is alleged against the appellant and co-accused Sonu Chaurasia that they assaulted, abused by calling caste name and shot fire at the informant. They also outraged the modesty of the daughter of the informant and threatened of dire consequences.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The informant alleged that accused persons shot fire at him but neither any injury nor blank cartridges were found at the place of occurrence. As per F.I.R, the occurrence did not take place in public view. Hence, the provision under SC/ST Act shall not be attracted against the appellant. The appellant is in custody since 09.06.2023. A statement has been made in para 3 of the petition that appellant has clean antecedent.

In contra, learned counsel appearing on behalf of the informant and learned Special P.P appearing on



behalf of the State have 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 20.07.2023.

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 Judge-III-cum-Special Court, SC/ST Act, Saran at Chapra in connection with Sonpur P.S. Case No. 113 of 2023.

(Sunil Kumar Panwar, J)

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