

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3968 of 2023

Arising Out of PS. Case No.-208 Year-2023 Thana- DHAKA District- East Champaran

VIJAY SAHANI Son of Hari Sahani VILLAGE MAHUAWA, P.S DHAKA,
DISTRICT EAST CHAMPARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SHAMBHU PASWAN S/o RAMNARAYAN PASWAN R/O - MAHUAWA,
P.S DHAKA, DISTRICT EAST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Patanjali Rishi
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 30-11-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public
Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 04.08.2023 passed by learned Special Judge, SC/ST, East Champaran whereby the prayer for bail of the appellant in connection with Dhaka P.S. Case no. 208 of 2023 under Sections 307 read with Section 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act was rejected.

3. It is a case of opening fire and assaulting by the accused persons along with petitioner to the informant and



also abused him by his caste name.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case. There is no specific overt-act of assaulting and opening fire against the appellant. The specific allegation against the co-accused Kali Sahni who opened fire upon the informant due to which he sustained gunshot injury. The appellant has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. Good sense has been prevailed between the parties and this fact is apparent from perusal of the annexure P/2. The factum of the compromise has also been admitted by learned counsel for the informant. Moreover, the appellant is languishing in judicial custody since 24.06.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

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 04.08.2023 is hereby set aside.



7.The appellant is directed to be enlarged on bail in connection with Dhaka P.S. Case No.208 of 2023 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, East Champaran.

(Sunil Kumar Panwar, J)

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