

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4204 of 2023

Arising Out of PS. Case No.-212 Year-2022 Thana- SANDESH District- Bhojpur

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1. Ajay Chaudhary Son Of Late Munsii Chaudhary Village- Kori, Ps- Sandesh, Dist- Bhojpur
 2. Deepak Chaudhary Son Of Late Munsii Chaudhary Village- Kori, Ps- Sandesh, Dist- Bhojpur
 3. Binod Chaudhary Son Of Late Munsii Chaudhary Village- Kori, Ps- Sandesh, Dist- Bhojpur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ram Ishwar Paswan Son Of Sri Bhawnath Paswan Village- Kori, Ps- Sandesh, Dist- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs.Vaishnavi Singh
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-10-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 23.08.2023 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Act, Bhojpur at Ara whereby the prayer for bail of the appellants in connection with Sandesh P.S. Case no. 212 of 2022 under Section 149, 341, 323, 427 and 302 of the Indian Penal Code and sections 3(2)(v) of SC/ST Act was rejected.

As per allegation in the FIR, the informant alleged



that on 12.10.2022 when he was sitting at his door meanwhile, the appellants along with other co-accused persons came there. Thereafter, one co-accused person, namely, Sanjay Chaudhari put his pistol on the chest of the informant's son namely, Haresh Paswan and fired due to which he fell down and blood started oozing out from his body. Further, when the informant was going to hospital by vehicle for treatment of his injured son, the accused persons including these appellants surrounded them. Somehow, the injured was taken to hospital where the doctor declared his son dead.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to previous election dispute and dirty village politics. They have not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. No any specific overt act of firing against the appellants rather the specific allegation of making fire upon the informant's son due to which he died is against co-accused person, namely, Sanjay Choudhary who has already been granted bail by this Court vide Annexure-5 of this petition and some other co-accused persons have also been enlarged on bail by this Court vide Annexure-5 series of this petition. General



and omnibus allegations have been levelled against the appellants. Moreover, they are languishing in judicial custody since 17.07.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 23.08.2023 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Sandesh P.S. Case No 212 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each of them with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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