

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3777 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- SAKURABAD District- Jehanabad

=====

MUKESH SHARMA @ MUKESH KUMAR SON OF RAMASHISH SHARMA @ SIPAHI SHARMA @ SIPAHI JI @ RAM ASHISH SHARMA R/O VILL.- MURHARA, P.S.- SAKURABAD, DISTT.- JEHANABAD

... .. Appellant/s

Versus

1. The State of Bihar
2. BAKHORA PASWAN SON OF LATE GOPAL PASWAN R/O VILL.- RUSTAMCHAK, P.S.- SAKURABAD, DISTT.- JEHANABAD

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr.Ram Prawesh Kumar
For the Respondent/s	:	Mr.Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 24-02-2023 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 23.09.2022 passed by learned Additional District Judge, 1st-cum-Special Judge SC/ST Act, Jehanabad whereby the prayer for bail of the appellant in connection with Shakurabad P.S. Case no. 01 of 2022 under Section 341, 323, 302, 307, 504, 34 of the Indian Penal Code, Sec. 27 of the Arms Act and sections 3(1)(r)(S)/ 3(2)(Va) of the of SC/ST Act was rejected.

As per allegation in the FIR, appellant and his associates fired on the informant and his friend Shambhu yadav



on account of previous enmity. Later on, informant's friend due due to gun shot injuries.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. No specific allegation of opening fire is against Venkatesh Sharma, and not against the appellant. General and omnibus allegations have been levelled against the appellant. No offence is made out under the provisions of the SC/ST Act against them. Similarly situated other accused person has already been enlarged on bail vide order dated 19.01.2023 passed in Cr. Appeal (SJ) No. 3248 of 2022.

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 appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 23.09.2022 passed in Shakurabad P.S. Case No. 01 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Shakurabad P.S. Case No. 01 of 2022 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 Additional Distt. Judge 1st-cum-Special Judge
SC/ST Act, Jehanabad.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

