

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3749 of 2022**

Arising Out of PS. Case No.-226 Year-2022 Thana- BIHIA District- Bhojpur

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MANMOHAN SINGH @ AMAN SINGH SON OF RAJ KUMAR SINGH  
R/O VILLAGE- CHARGHAT, P.S.- BIHIYA (BAHORANPUR OP),  
DISTRICT- BHOJPUR ARA.

... .. Appellant/s

Versus

1. The State of Bihar
2. ABHAY KUMAR SON OF BANSHIDHAR RAM, R/O VILLAGE-  
GAURA, P.S.- BIHIYA (BAHORANPUR OP), DISTRICT- BHOJPUR  
ARA.

... .. Respondent/s

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**Appearance :**

|                     |   |                                             |
|---------------------|---|---------------------------------------------|
| For the Appellant/s | : | Mr. N. K Agrawal<br>Mr. Ravi Shanker Pankaj |
| For the State       | : | Mr. Sadanand Paswan                         |
| For the Informant   | : | Mr. Chandra Bhushan Singh                   |

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

4      12-04-2023              The learned counsel for the appellant is directed to  
  
remove all the defects pointed out by the office within one  
  
month.

Heard Mr. N.K. Agrawal, the learned Senior counsel  
  
for the appellant as well as the learned counsel for the  
  
informant.

This appeal has been preferred on behalf of the  
  
appellant under Section 14 (A) (2) of the Scheduled Castes and  
  
Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting  
  
aside the order dated 08.09.2022 passed by the learned Special



Judge, Bhojpur at Ara in connection with Bihiya (Bahoranpur OP) P.S. Case No. 226 of 2022, registered for offence punishable under sections 341, 323, 324, 504, 506, 306/34 of the Indian Penal Code, section 27 of the Arms Act and sections 3 (i) (r) (s) of the SC/ST Act, whereby the prayer for bail of the appellant has been rejected.

As per allegation, four named accused persons including the appellant came to the house of friend of the informant and they insulted him by calling his caste name in the public view. They asked them to perform labourership, to which the members of informant side denied for the reasons that they were not paying the wages to them. Whereafter on the next day, the accused persons came near a temple where the members of prosecution side were present. The allegation against the appellant is that he fired shot at the informant, which hit his right hand and he also fired shot at his chest. The informant became injured.

Mr. N.K. Agrawal, the learned Senior counsel for the appellant has submitted that the appellant is under custody for a period of eight months and as per medical report, the injury though was grievous, but the doctor did not find it to be dangerous to life.



On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the appellant is direct assailant and he opened fire on the chest of the injured.

Considering the above-mentioned facts and circumstances, specially the period of custody, the appeal is allowed and the impugned order dated 08.09.2022 is set aside.

Accordingly, the appellant is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, Bhojpur at Ara in connection with Bihiya (Bahoranpur OP) P.S. Case No. 226 of 2022, subject to following conditions:-

- (i) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court.
- (ii) If the similar kind of offence is reported against the appellant, the learned court below will be at liberty to cancel his bail bonds.
- (iii) The petitioner shall remain present physically before the learned court below on each and every date till conclusion of the trial and his failure in physical appearance shall lead to cancellation of his bail bond.



Office shall ensure that all defects are removed by the  
appellant within the stipulated time mentioned hereinabove,  
failing which, the matter shall be brought to the notice of this  
Court.

**(Nawneet Kumar Pandey, J)**

Mahesh/-

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