

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3975 of 2022**

Arising Out of PS. Case No.-320 Year-2018 Thana- BAHADURPUR District- Patna

NACHIKETA @ SONU SON OF SANJAY KUMAR R/O VILL.-
BAHADURPUR, P.S.- ASTHAWAN, DISTT.- NALANDA, BIHAR-803110

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sumit Kumar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 24-02-2023 Though notice has been issued to O.P. No. 2, no one
has turned to assist the Court.

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 Special
Judge SC/ST Act, Patna in Special Case No. 591 of 2018
whereby the prayer for bail of the appellant in connection with
Bahadurpur P.S. Case no. 320 of 2018 under Sections 307,
302/34 of the Penal Code, Section 27 of the Arms Act and
Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe
(Prevention of Atrocities) Act, 1989 was rejected.

As per allegation in the FIR, accused Shivam opened
fire upon Pandit Manjhi and Balma Manjhi was caught hold by



accused Raushan Balwant and Avinash and Shivam fired on him. Accused persons also fired upon Laxman but he narrowly escaped. Laxman and informant ran towards police station and informed the matter. In the meanwhile all miscreants fled away. Injured persons were taken to PMCH where Balma Manjhi was died and Pandit Manjhi was provided treatment.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Appellant is not named in the FIR. During investigation, co-accused Prince and Shivam have disclosed the name of the appellant before the police, which has no evidentiary value in the eye of law. Accused Prince Kumar has already been granted regular bail vide order dated 19.02.2019 passed in Cr. APP (SJ) No. 723 of 2019 while case of the appellant stands on better footing to that of the co-accused. He has 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. He has got no criminal antecedent. Appellant is languishing in judicial custody since 18.08.2022.

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 Special Case No. 591 of 2018 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Bahadurpur P.S. Case No. 320 of 2018 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, Patna.

(Sunil Kumar Panwar, J)

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