

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3938 of 2022**

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

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Kundan Kumar Son Of Ram Kumar Singh @ Ram Kumar Sharma R/V-
Kamta, P.S.- Parasi, District- Arwal (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Amarjeet Manjhi Son Of Late Shankar Manjhi R/O Mohalla/ Village-
Dharni Chapra, P.S.- Udwant Nagar, District- Bhojpur, At Present Rajendar
Nagar, Road No. 13 (B), Mushari P.S.- Bahadurpur, District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Purushotam Sharma
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-03-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
02.11.2022 passed by learned Special Judge SC/ST Act,
Patna in connection with Bahadurpur P.S. Case No. 320
of 2018 (Special Case No. 591 of 2018) instituted for
the offences punishable under Sections 307, 302, 34 of
the Indian Penal Code, Section 27 Arms Act and
Sections 3(2)(v) of the SC/ST Act whereby his prayer



for being released on bail has been rejected.

The prosecution case as per F.I.R. is that co-accused Shivam opened fire upon Pandit Manjhi and Balma Manjhi was caught hold by co-accused Raushan Balwant and Avinash and Shivam fired on him. The 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 succumbed to the injuries.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant is not named in the F.I.R. During investigation, co-accused Shivam has disclosed the name of the appellant before the police, which has no evidentiary value in the eye of the law. Moreover, other co-accused has already been granted regular bail vide order dated 24.02.2023 passed in Cr. App. (SJ) No. 3975 of 2022. Moreover, as per



F.I.R., the occurrence did not take place in public view. Hence, no offence is made out under the provisions of the SC/ST Act against the appellant. He has got no criminal antecedent. The appellant is languishing in custody since 18.08.2022.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 02.11.2022 passed by learned Special Judge SC/ST Act, Patna in connection with Bahadurpur P.S. Case No. 320 of 2018(Special Case No. 591 of 2018).

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, Patna in connection with Bahadurpur P.S. Case No. 320



of 2018(Special Case No. 591 of 2018).

Shageer/ayush

(Sunil Kumar Panwar, J)

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