

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.116 of 2023**

Arising Out of PS. Case No.-346 Year-2022 Thana- CHAKAND District- Gaya

Sunil Kumar Son Of Late Narayan Ram R/V- Gannu Bigha, P.S.- Chakand,
District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajendra Kumar Son Of Aitwar Das R/V- Gannu Bigha, P.S.- Chakand,
District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Prasad Singh
For the Respondent/s : Mr.Usha Kumari 1

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

3 22-06-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated 21.11.2022 passed by learned Exclusive Special Judge SC/ST Act, Gaya in connection with Chakand P.S. Case No. 346 of 2022 instituted for the offences punishable under Sections 341, 323, 324, 307, 385/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(V-a) 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 on



20.10.2022 when the son of the informant Ritesh Kumar was getting back to his home on his bike after purchasing the goods/articles on the eve of Dipawali and when he reached near the saloon of Shakil Miyan at Bitho Mazaar, out of old enmity and with a view to withdraw the earlier case, some miscreants were waiting since before. It is said that accused Vicky Shaw and petitioner Sunil Kumar as well as 2-3 unknown persons surrounded the informant's son and Vicky Kumar shot fire which hit on the stomach of his son and he sustained gunshot 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 and the informant are co-villagers and in the background of election rivalry, the present accusation has been levelled. The specific accusation of shot fire is against co-accused Vicky Saw not against the appellant. The appellant is in custody since 24.10.2022.



Learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have 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 21.11.2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Chakand P.S. Case No. 346 of 2022.

(Sunil Kumar Panwar, J)

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