

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.763 of 2024

Arising Out of PS. Case No.-66 Year-2023 Thana- MANPUR District- Nalanda

Chhotu Kumar @ Chhotu Raut Son of Arbind Prasad R/o Village- Singthu,
P.S.- Manpur, District- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Gorelal Chaudhary Son of Sri Sarjug Chaudhary R/o Village- Singthu
Barsati Bartar, P.S.- Manpur, District- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rabi Bhushan Prasad No. 1 Vijay Prakash Bhargava
For the State	:	Mrs. Usha Kumari No. 1 (Spl. P.P.)

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-05-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 05.09.2023 passed by learned Additional District and Sessions Judge VI-cum-Special Judge (SC/ST Act), Biharsharif at Nalanda, whereby the prayer for bail of the appellant in connection with Manpur P.S. Case No. 66 of 2023 under Sections 147, 148, 149, 341, 447, 307, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i) (r)/ 3(2)(va) of the SC/ST Act was rejected.

3. The allegation against the appellant along with others is of firing upon the uncle and brother of the informant,



due to which they sustained injury.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is general and omnibus allegation against the appellant rather no specific allegation against him. He further submitted that the injury sustained to the informant's side is on *thigh*, which is not a vital part and the same is simple in nature. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 12.09.2023. Similarly situated co-accused namely, Ganauri Raut has already been granted bail vide order dated 01.02.2024, passed in Cr. Appeal (SJ) No. 3519 of 2023 by this Court.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 05.09.2023 arising out of Manpur P.S. Case No. 66 of 2023 is hereby set aside.



7. The appellant is directed to be enlarged on bail in connection with Manpur P.S. Case No. 66 of 2023 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 District and Sessions Judge VI-cum-Special Judge (SC/ST Act), Bihar Sharif at Nalanda.

(Sunil Kumar Panwar, J)

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