

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1958 of 2023**

Arising Out of PS. Case No.-155 Year-2021 Thana- SONEPUR District- Saran

GUDDU KUMAR @ GUDDU RAI S/O NAYAK RAI Resident of Village-
Sabalpur, P.S.- Sonpur, District- Saran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. UMESH KUMAR BHAGAT S/O DHANU PASWAN Resident of Village-
Sabalpur Kachahari Bazaar, P.S.- Sonpur, District- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Priyanka Singh
For the Respondent/s	:	Mr. Binay Krishna

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

4 04-01-2024 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 14.3.2023 passed by learned 3rd Additional Sessions Judge-cum-SC/ST Special Judge, Saran whereby the prayer for bail of the appellant in connection with Sonapur P.S. Case no. 155 of 2021 under Sections 147, 149, 341, 323, 324, 307, 354 (B), 379, 504, 506 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST (POA) Act was rejected.

As per allegation in the FIR, accused Sonu Kumar, Roshan Kumar, Vijay Rai and Penter Rai entered into the house of the informant and rest of the accused persons were standing



outside the house laced with weapons. Accused Vijay Rai tore the clothes of his aunt. Accused Jackiy Kumar opened fire which went outside from window. Accused Roshan Kumar and Penter Kumar have assaulted to Pramod Paswan. Specific allegation against the petitioner and co-accused Sanjiv Kumar assaulted to injured Sanjay Kumar Paswan. It is further alleged that all accused persons have put the palani on fire.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Allegedly Guddu Kumar has assaulted the injured Sanjay Kumar Paswan but the weapon used by him as well as in which body part he has sustained injury is not mentioned. 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 and languishing in judicial custody since 7.2.2023.

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 14.3.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Sonapur P.S. Case No. 155 of 2021 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 3rd Additional Sessions Judge-cum-SC/ST Special Judge, Saran.

(Sunil Kumar Panwar, J)

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