

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2277 of 2024**

Arising Out of PS. Case No.-628 Year-2023 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

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Pinkesh Kumar Son of Ashok Sharma Resident of Vilage- Bharra, P.S. -  
Muffasil, District - Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Gulshan Kumar Son of Sraj Paswan Resident of Vilage- Bharra, ward no. 8,  
P.S. - Muffasil, District - Begusarai.

... .. Respondent/s

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**Appearance :**

|                     |   |                          |
|---------------------|---|--------------------------|
| For the Appellant/s | : | Mrs. Archana Shahi       |
|                     |   | Mr. Ashok Kumar          |
| For the State       |   | Mr. Sadanand Paswan, APP |
| For the informant   |   | Mr. Sandip Gautam        |

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR**  
**PANDEY**

ORAL ORDER

6      04-09-2024                      Heard the learned counsel for the parties.

2. This memo of appeal has been preferred on behalf of the appellant under Section 14(A)(2) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 09.08.2024, passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai, in connection with Muffasil P.S. Case No. 628 of 2023, registered for the offences punishable under Sections 307 and 326 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2) (v) of the SC & ST (POA) Act, whereby the prayer for bail of the appellant has been rejected.



3. As per allegation, on account of firing made by the appellant, the informant sustained grievous injuries on his person.

4. The learned counsel for the appellant has submitted that the FIR itself shows that the appellant is the friend of the informant, as such, the occurrence cannot be said to have taken place having been impelled by the caste identity of the informant and the provisions of the SC/ST Act are not attracted. It has further been submitted that the informant himself states in the FIR that the appellant was his friend and was brandishing a pistol and during brandishing, a fire was shot which hit the informant.

5. The statement of the informant makes it clear that it was not an intention to kill the informant, as such, Section 307 of the Indian Penal Code is also not attracted. So far as possessing of arms and causing grievous injuries to the informant is concerned, the appellant has amply been punished by remaining in incarceration for more than nine months.

6. On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that it is true that the appellant was the friend of the informant but due to his act the informant has suffered grievous injuries.



7. Considering the above facts and circumstances, and also keeping in view the period of incarceration i.e. for more than nine months, the appeal is allowed and the impugned order dated 09.04.2024 is set aside. Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each, to the satisfaction of learned learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai, in connection with Muffasil P.S.Case No. 628 of 2023.

**(Nawneet Kumar Pandey, J)**

HR/-

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