

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2385 of 2024

Arising Out of PS. Case No.-32 Year-2023 Thana- NIMACHANDPURA District- Begusarai

Manoj Kumar Son of Lalo Sahni @ Lalo Sahani @ Lalu Sahni @ Lalu
Resident of Village -Banwara, ward no.-07,(Damdama, Kath), P.S.-
Neemachandpura , District- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Purushottam Kumar Son of Surendra Paswan Resident of Village -Banwara,
ward no.-07, P.S.- Neemachandpura , District- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sandip Kumar Gautam
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 25-06-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been renewed by the appellant which was earlier rejected by this Court vide order dated 9.11.2023 passed in Cr. Appeal (SJ) No. 2711 of 2023. This appeal has been filed for grant of regular bail against the order dated 8.4.2024 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai whereby the prayer for bail of the appellant in connection with Neemchandpura P.S. Case no. 32 of 2023 under Sections 341, 323, 307, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(i)(r), 3(2)(v) of the SC/ST Act was rejected.



3. Allegations against the appellant is that he fired upon the informant due to which he sustained gun shot injuries on the left side of his chest and also abused him by calling his caste name.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics. During trial, informant has not supported the prosecution case and he deposed that he sustained gun-shot injury which was fired from behind. He had not seen the person, who had opened fire. He disclosed the name of this appellant on the basis of information furnished to him by villager but later on he came to know that this appellant had not fired upon him and there was no any bitter relation between them. His deposition is annexed as Annexure-3 series. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent. He is languishing in judicial custody since 23.3.2023.

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 that during trial, informant of this case has turned hostile, the Court is inclined to allow this appeal.



Accordingly, the appeal is allowed and the impugned order dated 8.4.2024 passed in Neemchandpura P.S. Case No. 32 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Neemchandpura P.S. Case No. 32 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 Exclusive Spl. Judge, SC/ST (POA) Act, Begusarai.

(Sunil Kumar Panwar, J)

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