

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3325 of 2023

In
CRIMINAL MISCELLANEOUS No.28849 of 2023

Arising Out of PS. Case No.-680 Year-2019 Thana- JAMUI District- Jamui

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GANDHI GUPTA, male, aged about 26 years, son of Late Rajendra Prasad Gupta @ Raju Gupta, R/o- Jamui near KKM College, P.S. Jamui, District- Jamui.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramesh Tanti, son of Radhe Tanti, R/v- Jamnipur, P.O.+P.S.- Khaira, District- Jamui.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 26-04-2024 1. Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 23.3.2023 passed by the learned Additional District and Sessions Judge-I, Jamui, whereby the prayer for bail of the appellant in connection with Jamui P.S. Case No. 680 of 2019 registered under sections 307 and 34 of the Indian Penal Code, section 27 of the Arms Act and sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC and ST (Prevention of Atrocities) Act, was rejected.

3. As per allegation in the FIR, it is stated by the



informant that while he along with others were seated, the accused persons including the appellant and one Ansu Singh came armed with pistol etc, abused the informant in the name of his caste and started to fire as a result of which the informant and Purushottam Kumar sustained gun shot injury.

4. It is submitted by learned counsel for the appellant that the allegations as levelled in the FIR are false and concocted. The informant is a man of bad antecedents and having sustained injuries elsewhere, has filed the instant case falsely implicating the appellant because of village politics. It is submitted that the FIR named co-accused Ansu Singh has been enlarged on bail vide order passed in Cr. Appeal (SJ) no. 1477 of 2020. The allegations are general and omnibus in nature and the appellant is in custody since 19.1.2023.

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

6. Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellant, together with grant of bail to co-accused Ansu Singh and the period in custody of the appellant, the Court is inclined to allow this appeal. The appeal is allowed and the order dated 23.3.2023 impugned herein is set aside.



7. The appellant is directed to be enlarged on bail in connection with Jamui P.S. Case No. 680 of 2019 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-1, Jamui.

(Partha Sarthy, J)

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