

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3553 of 2024

Arising Out of PS. Case No.-201 Year-2024 Thana- BARHARA District- Bhojpur

Manoj Singh @ Govind Singh son of Kamleshwari Singh @ Late
Kamleshwari Singh Village- Paiga Ps- Barhara Dist- Bhojpur
... .. Appellant/s

Versus

1. The State of Bihar
2. Kisundyal Ram @ Kishun Dayal Ram son of Late Ramadhar Ram Village-
Paiga Ps- barhara Dist- Bhojpur
... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Diwakar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-12-2024 Heard the parties.

2. The present appeal has been preferred for grant of bail against the order dated 08.07.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Bhojpur at Ara in B.P. No. 2835 of 2024 in connection with Barhara P.S. Case No. 201 of 2024 punishable for the offences punishable under section 147, 149, 324, 326, 307 and 504 of the Indian Penal Code and section 27 of the Arms Act as also section 3(1)(r), 3(1)(s), 3(1)(n) & 3(2)(va) of the SC/ST Act lodged on 01.06.2024 by the informant Kishun Dayal Ram.

3. As per the prosecution story, the informant alleged that during the Lok Sabha 2024 Election, as he was going to cast his vote, the accused persons stopped and wanted to know to whom his vote will go. Upon his refusal to disclose, allegation is



that after naming by caste, abused, allegation is that Lambu Singh opened fire causing injury on his left shoulder whereafter the named accused persons including this petitioner resorted to indiscriminate firing causing injury to others too. They were rushed to the Sadar Hospital Ara, which followed the F.I.R.

4. Learned counsel for the appellant submits that in the F.I.R. the name of Lambu Singh has come whereas during the investigation the name of Lallu Singh has also been said to have opened fire. Omnibus allegation has been made against other persons including this appellant. Further, though injury report of Kishun Ram shows that opinion was reserved, other who received injuries, the same have been found to be simple in nature.

5. It is his further submission that there is counter version to the said case lodged on the same day by the accused side in which in which Kishun Ram are accused. He has remained in custody since 02.06.2024 (paragraph no.10 of the petition), charge sheet submitted, he shall be appearing in trial Further, without accepting allegation and/or the outcome of the present petition, learned counsel for the appellant submits that he wants to contribute to pay Rs.10,000/- to the Chief Minister's Relief Fund and the receipt shall be submitted before the Trial Court.

6. There is no assistance from the other side.

7. In this case, the coordinate had called for the case



diary as also injury report which are on record and notices were issued to the other side and as per the office notes it was validly served upon respondent no.2.

8. Having gone through the facts, the materials available on record, the submissions of the learned counsel for the appellant as also the case diary coupled with the fact that the injury report shows that most of the injuries are simple in nature, specific allegation is against Lambu Singh and later Lallu Singh, omnibus allegation is against this appellant, in that background and considering the fact that charge sheet already stands submitted, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the appellant to be paid to the Chief Minister's Relief Fund and the receipt shall be submitted before the Trial Court.

9. Let the appellant be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Bhojpur at Ara in connection with Barhara P.S. Case No. 201 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the appellant who shall provide official document to show his *bona fide*;



(ii) the appellant shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the appellant shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the appellant shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the appellant shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

10. The order dated 08.07.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Bhojpur at Ara in B.P. No. 2835 of 2024 in connection with Barhara P.S. Case No. 201 of 2024 is set aside and the appeal stands allowed.

(Rajiv Roy, J)

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