

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4040 of 2023

Arising Out of PS. Case No.-208 Year-2023 Thana- DHAKA District- East Champaran

SHIVPUJAN SAHANI SON OF YOGI SAHANI RESIDENT OF VILLEGE
-MAHUAWA, PS- DHAKA, DISTT- EAST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. SHAMBHU PASWAN SON OF RAM NARAYAN PASWAN RESIDENT
OF VILLEGE -MAHUAWA, PS- DHAKA, DISTT- EAST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhishek Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 04.08.2023 passed by learned Spl. Judge, SC/ST, East Champaran, Motihari whereby the prayer for bail of the appellant in connection with Dhaka P.S. Case No. 208 of 2023 under Sections 307/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s), 3(z)va of the SC/ST



Act was rejected.

3. The allegation against the appellant along with others is of firing upon the informant, due to which he sustained injury.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is no specific overt act against the appellant rather specific allegation of firing to the informant is against co-accused Kali Singh, due to which he sustained injury. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 24.06.2023.

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, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 04.08.2023 arising out of Dhaka P.S. Case No. 208 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in



connection with Dhaka P.S. Case No. 208 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
Special Judge (SC/ST Act), East Champaran at Motihari.

(Sunil Kumar Panwar, J)

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