

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4483 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- BALIYA District- Begusarai

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Chandan Kunwar Son Of Hari Kunwar @ Late Hari Kunwar Resident Of
Village- Bhawannandpur Masudanpur, Ps- Baliya, District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Pawan Paswan Son Of Late Bacchi Paswan Resident Of Village-
Bhawannandpur, Ward No. 1, Masudanpur, Ps- Baliya, District- Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shama Sinha
For the Respondent/s : Mr.Sadanand Paswan

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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 12.07.2023 passed by learned Exclusive Special Judge, SC/ST, PoA Act, Begusarai whereby the prayer for bail of the appellant in connection with Ballia P.S. Case no. 104 of 2023 under Section 302, 34 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(i)(r)(s), 3(2)(va) of SC/ST PoA Act was rejected.

3. According to prosecution case, the informant alleged that the appellant and co-accused persons fired upon his



wife due to which she sustained gunshot injury and died.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The appellant has not committed any offence rather he has been made accused in this case due to previous land dispute. There is no specific allegation of firing levelled against the appellant rather it has been levelled against co-accuse, namely, Kundan Kumar. The appellant has not abused the informant in public view so no offence is made out under the provisions of the SC/ST Act against him. It is also submitted that the appellant is languishing in judicial custody since 04.05.2023.

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

6. Having heard learned counsel for the parties and considering the aforesaid facts and circumstance of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 12.07.2023 passed in Ballia P.S. Case no. 104 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Ballia P.S. Case no. 104 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 Special Judge, SC/ST, PoA Act, Begusarai.

(Sunil Kumar Panwar, J)

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