

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4420 of 2023

Arising Out of PS. Case No.-55 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

1. Nilu Mishra @ Chandan Mishra Son Of Sri Mukteshwar Mishra R/O Vill - Barkagaon Mansinghpatti, P.S - Buxar (Industrial), Distt. - Buxar
2. Umesh Mishra Son of Late Sri Krishna Mishra R/o vill - Barkagaon Mansinghpatti, P.S - Buxar (Industrial), Distt. - Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Manjhi Paswan Son of Late Maha Paswan R/o vill - Barkagaon Mansinghpatti, P.S. - Industrial Area Buxar, Distt. - Buxar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur Mrs. Vaishnavi Singh
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-01-2024 Heard learned counsel for the appellants,

informant and learned Special P.P for the State.

The appellants have challenged the order dated 11.09.2023 passed by learned Additional Sessions Judge-cum-Special Judge, SC/ST(POA)-cum-Children Court, Buxar in connection with Buxar (Industrial Area) P.S. Case No. 55 of 2023 instituted for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(v) of the SC/ST Act and Section 27 of the Arms Act,



whereby his prayer for being released on bail has been rejected.

It is alleged against all the F.I.R named accused persons including the appellants that they surrounded the informant and assaulted and abused by calling his caste name. It is alleged against the appellants that they shot at the informant.

It is submitted by learned counsel for the appellants that appellants are innocent and they have falsely been implicated in this case. The present Mukhiya was inimical with the appellants since appellant Nilu Mishra @ Chandan Mishra has contested election against him. The informant Manji Paswan is working in the field of Mukhiya Dhananjay Mishra, hence, in order to settle his grudge, this false case has been lodged against the appellants. During investigation several witnesses have stated that the appellants were not present at the place of occurrence. The appellants are in custody since 02.09.2023.



In contra, learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellants.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 11.09.2023.

Accordingly, this appeal is allowed.

The appellants, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act-cum-Children Court, Buxar in connection with Buxar(Industrial Area) P.S. Case No. 55 of 2023.

(Sunil Kumar Panwar, J)

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