

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4683 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- ALINAGAR District- Darbhanga

Md. Gufran Ansari @ Zivram @ Zivran Son Of Md. Zahir Ansari Resident Of
Village Alinagar Ps Alinagar Dist Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Kameshwar Mahto Son Of Late Shiv Narayan Mahto Resident Of Village-
Alinagar, P.S.- Alinagar, District- Darbhanga

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-01-2024 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 22.09.2023 passed by learned Exclusively Spl. Judge, SC/ST Act, Darbhanga in BP No. 120 of 2023 whereby the prayer for bail of the appellant in connection with Alinagar P.S. Case no. 50 of 2023 under Section 307 of the Indian Penal Code, Section 27 of the Arms Act and section 3(2) (va) of SC/ST (POA) Act was rejected.

3. As per allegation in the FIR, appellant went to the house of informant for toddy. On refusal to provide toddy at night by the informant, appellant took out his pistol and opened



fire on the back of the informant as a result of which he fell down unconsciously. Appellant fled away from the place of the occurrence after abusing him by taking his caste name.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. During trial, informant was examined as P.W. 03 and in his cross-examination, he turned hostile and he has not supported the prosecution case. No offence is made out under the provisions of the SC/ST Act against them. Appellant is languishing in judicial custody since 20.5.2023.

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 that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 20.09.2023 passed in B.P. No. 120 of 2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Alinagar P.S. Case No. 50 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 Spl. Judge, SC/ST Act, Darbhanga.

(Sunil Kumar Panwar, J)

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