

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4674 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- JAYRAMPUR District- Sheikhpura

Dunaliya Ram @ Dharmendra Ram S/O Basant Ram R/O Village-
Narsingpur, P.S.- Jairampur, District- Shekhpura

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Neeraj Kumar Singh

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 14-05-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 07.08.2023 passed by learned 1st Additional Sessions Judge-cum-Special Court, SC/ST Act, Sheikhpura whereby the prayer for bail of the appellant in connection with Jairampur P.S. Case no. 29 of 2023 under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i) (r) (s) and 3(2) (va) of SC/ST Act was rejected.

Allegation against the appellant is that he fired



upon the informant due to which he sustained three gun shot injuries.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics. 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. There is allegation of firing thrice by the appellant but from perusal of the injury report, there is right shoulder and left arm pain. Injury report it does not corroborate with the prosecution version of the case. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 27.07.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State. He submitted that there is allegation of firing upon the informant.

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 07.08.2023 is hereby set aside.

The appellant is directed to be enlarged on bail, **after framing of charge, if not framed**, in connection with Jairampur P.S. Case No. 29 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 1st Additional Sessions Judge-cum-Special Court, SC/ST Act, Sheikhpura, subject to the following conditions:-

1. Appellant shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. if the appellant tampers with the evidence or threatens the witnesses, in that case, the prosecution



will be at liberty to move for cancellation of bail.

3. If the appellant repeat the offences of similar nature, as alleged in the present case, the prosecution will be at liberty to move for cancellation of bail.

(Sunil Kumar Panwar, J)

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