

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4795 of 2023

Arising Out of PS. Case No.-328 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Shyam Sundar Ray S/O Sachidanand Ray Village- Uttari Dhamaun, Ps. Shah-
pur Patori, Dist. Samastipur, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Jogi Baitha S/O Late Gudar Baitha Resident Of Uttari Dhamaun, Ps. Patori,
Dist. Samastipur, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arvind Kumar Sinha, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, SPP
For the Informant	:	NONE

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 25-04-2024 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State. Earlier notice issued to
respondent No. 2 was validly served on him.

2. Despite service of notice, none appears for the in-
formant.

3. The instant appeal has been filed by the appellant
against the order dated 11-09-2023 passed by learned Special
Judge SC/ST Act (POA) Act, Samastipur whereby the prayer for
bail of the appellant in connection with Patori PS Case No. 328
of 2023 under Sections 341, 323, 307, 504, 506/34 of the Indian
Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s)
of SC/ST Act was rejected.



4. Prosecution case, in short, is that appellant has fired upon the son of informant, due to which he sustained injury on chest and he fell down on the floor.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. There is general and omnibus allegation against the appellant. From perusal of the injury report, it would reveal that injury is caused by hard and blunt substance, which falsify the prosecution version. Injury report does not corroborate the allegation levelled against the appellant. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 08-06-2023 and has no criminal antecedent.

6. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.

7. Considering the aforesaid facts and circumstances of the case, clean antecedent of the petitioner and the period of custody undergone by the appellant, this Court is inclined to



allow this appeal. Accordingly, the appeal is allowed and order dated 11-09-2023 passed by learned Special Judge SC/ST Act (POA) Act, Samastipur is hereby set aside.

9. Let the appellant be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Patori PS Case No. 328 of 2023.

(Rudra Prakash Mishra, J)

Raj kishore/-

U		T	
---	--	---	--

