

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5041 of 2023

Arising Out of PS. Case No.-71 Year-2021 Thana- UCHKAGAON District- Gopalganj

Shailesh Chauhan Son Of Sudama Chauhan Resident Of Village - Fatehpur
Tola Digha, P.S. - Mirganj, District - Gopalganj

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sudama Manjhi Son Of Late Mahavir Manjhi Resident Of Village - Bedu
Tola, Police Station - Thawe, District - Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bijay Prakash Singh
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-01-2024 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 31.8.2023 passed by learned Additional District and Sessions Judge XI-Cum-Exclusive Special Judge SC/ST Act, Gopalganj whereby the prayer for bail of the appellant in connection with Uchakagaon P.S. Case no. 71 of 2021 under Sections 395, 397 of the Indian Penal Code, section 27 of the Arms Act and sections 3(i)(r)(s), 3(2)(v) of SC/ST Act was rejected.

3. The prosecution case, in brief, is that some unknown miscreants came at Indane Gas Agency, Uchakagaon and started firing upon the staffs of the gas agency. Thereafter,



the miscreants took cash of Rs. 51,960/- from vendor Ashok Yadav and fled away. It is further alleged that two staffs of the said gas agency sustained bullet injury in the alleged incident.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The appellant is not named in the FIR. His name was transpired in this case on the basis of confessional statement of co-accused Saddam Nut. Except confession, nothing is against the appellant and no any incriminating material has been recovered from his possession. It is further submitted that no any specific allegation has been made against the appellant. He has also not put on TI Parade. No offence is made out under the provisions of the SC/ST Act against him. The appellant has got no criminal antecedent as stated in para-3 of the bail petition and he is languishing in judicial custody since 27.2.2023. Moreover, similarly situated co-accused Nitish Kumar @Nehal already been granted bail by a co-ordinate Bench of this Court vide order dt. 12.10.2022 passed in Cr. Appeal (SJ) No. 1252 of 2022.

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 circumstances of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 31.8.2023 passed in Uchakagaon P.S. Case no. 71 of 2021 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Uchakagaon P.S. Case no. 71 of 2021 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 Additional District & Sessions Judge-XI-Cum-Exclusive Special Judge, SC/ST Act, Gopalganj.

(Sunil Kumar Panwar, J)

Manishkumar/-

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

