

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5393 of 2023

Arising Out of PS. Case No.-154 Year-2023 Thana- CHARPOKHARI District- Bhojpur

Deepak Kumar @ Deepak Kumar Paswan Son Of Munna Paswan @ Munna Ram @ Munaa Ram Resident Of Village- Chakiya, Police Station- Sikarhata, District- Bhojpur At Ara

... .. Appellant/s

Versus

1. The State of Bihar
2. Vigni Devi Wife Of Chandrama Nat Resident Of Village- Koel, Police Station- Charpokhari, District- Bhojpur At Ara

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shashank Shekhar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 09-07-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 18.10.2023 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara whereby the prayer for bail of the appellant in connection with Charpokhari P.S. Case no. 154 of 2023 under Sections 323, 341, 307, 504, 506 and 34 of the Indian Penal Code and sections 3(i)(r)(s), 3(2)(v) of the SC/ST Act was rejected.

3. Allegations against the appellant is that while the informant with his son was sleeping, four co-accused persons



who are co-villagers, started hurling abuses. On protest made by them, this appellant fired upon the son of the informant which hit his leg and thereafter they fled away but one of them, namely, Ranjan Kumar was apprehended by the co-villagers.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to enmity. He has not taken the cast name of the informant in public view. Moreover, the matter has been compromised between the parties and the same is mentioned in para 3 of the supplementary affidavit. No offence is made out under the provisions of the SC/ST Act against them. He is languishing in judicial custody since 10.10.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State but supported the fact of compromise.

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 18.10.2023 passed in B.P. No. 5660 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Charpokhari P.S. Case No. 154 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-Spl. Judge,
SC/ST (POA) Act, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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