

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5524 of 2023

Arising Out of PS. Case No.-168 Year-2023 Thana- LALGANJ District- Vaishali

Manish Kumar S/o Ashok Shah Resident of Village - Pojhiya, P.S.- Lalganj,
District- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mukesh paswan S/o Kameshwar Paswan Resident of Village - Panchdmiya,
P.S.- Lalganj, District- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anuj Kumar, Advocate Mr. Ravish Mishra, Advocate
For the Informant	:	Ms. Sachina, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

6 12-07-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant
against the order dated 23.09.2023 passed by learned Exclusive
Special Court (SC/ST Act), Vaishali at Hajipur in connection
with Lalganj P.S. Case No. 168 of 2023 registered under
Sections 302 / 34 of IPC and Section 27 of the Arms Act and
Section 3(2)(ra) of SC/ST Act.

3. The allegation against the appellant in the FIR is
that, he alongwith other co-accused persons opened fire with
pistol on brother of the informant, namely, Rakesh Paswan due



to which he sustained injuries.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He 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. He further submits that the petitioner is not named in the FIR his name has been surfaced on the confessional statement of co-accused Aaditya Kumar @ Aaditya Thakur @ Molu. The appellant is in custody since 04.07.2023. Similarly situated co-accused persons namely, Aaditya Kumar @ Aaditya Thakur @ Molu has already been granted bail by co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 114 of 2024 vide order dated 25.04.2024 and Amit Ranjan @ Shashi Kumar in Cr. Appeal (SJ) No. 3404 of 2023 vide order dated 30.11.2023.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail.

6. On perusal of the FIR, case diary, post mortem report and impugned order dated 23.09.2023, it appears that on the basis of written report of the informant FIR was registered against three unknown accused person including the present appellant and there is no specific allegation against the appellant



of fire arm injury.

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

8. Accordingly, the appeal is allowed and order dated 23.09.2023 passed by learned Exclusive Special Court (SC/ST Act), Vaishali at Hajipur 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 Lalganj P.S. Case No. 168 of 2023.

(Ramesh Chand Malviya, J)

saaurabhkr/-

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

