

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5604 of 2023

Arising Out of PS. Case No.-156 Year-2023 Thana- BANIAPUR District- Saran

Abhishek Kumar @ Abhishek Kumar Singh Son of Bashishth Singh @
Bashishth Narayan Singh Resident of Village - Karahi Bangra, P.S.-
Baniyapur, District - Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kundan Manjhi Son of Lallu Manjhi Resident of Village - Farahi, P.S.-
Baniyapur, District - Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dewendra Narayan Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-02-2024 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 07.11.2023 passed by learned SC/ST
Exclusive Special Judge, Saran at Chapra whereby the prayer
for bail of the appellant in connection with Baniyapur P.S.
Case no. 156 of 2023 under Sections 341, 323, 447, 307, 504,
506, 120B and 34 of the Indian Penal Code and sections 3(i)
(r) (s) and 2(va) of SC/ST Act was rejected.

3. Allegation against the appellant along with other
co-accused person is that they assaulted the informant's father



and when informant came to save then this appellant fired upon him which hit on his buttock due to which he sustained injury.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. 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. Injury report does not corroborate with the prosecution case as the doctor opined that the injury caused by hard and blunt substance whereas in the FIR, the allegation of firing has been made. It is further submitted that good sense has been prevailed between both the parties and in support of this, Annexure-A5 has been annexed in this petition. 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 15.09.2023.

5. learned counsel for the informant has also asserted that good sense has been prevailed between the parties.

6. Having heard learned counsel for the parties and taking into consideration of this case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the



impugned order dated 07.11.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Baniyapur P.S. Case No. 156 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 SC/ST Exclusive Special Judge, Saran at Chapra.

(Sunil Kumar Panwar, J)

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