

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1377 of 2024

Arising Out of PS. Case No.-255 Year-2020 Thana- DIDARGANJ District- Patna

SUNIL @ SUNIL KUMAR @ HAUWA S/O VISHUN RAI @ VISHUNDEV
RAY Resident of Mohalla- Didarganj, Dharmshala Checkpost, Police station-
Didarganj, District-Patna

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. VIGAN DAS S/O HARIHAR DAS Resident of Mohalla- Didarganj,
Dharmshala Checkpost, Police station- Didarganj, District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Shanker Pankaj, Advocate
For the Respondent/s : Mr. Binay Krishna, APP
For the Informant : None

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

ORAL ORDER

7 17-04-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. Perused the case diary.
None appears on behalf of the informant despite notice being
validly served.

2. The instant appeal has been filed by the appellant
against the order dated 11.09.2023 passed by learned Exclusive



Special Judge, SC/ST, Patna whereby the prayer for bail of the appellant in connection with Didarganj P.S. Case No. 255 of 2020 corresponding to Special Case No. 5010 of 2020 under Sections 341, 323, 307, 504/34 of the IPC, Sections 3(i)(s), 3(ii)(v) and 3(ii)(va) of SC/ST Act and Section 27 of the Arms Act was rejected.

3. As per prosecution case, this appellant, upon the order of co-accused Anil Kumar, fired upon the informant which hit on thigh of the informant.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that there specific allegation of firing upon the informant against this petitioner. Learned counsel further submitted that the injury sustained by the informant is simple in nature and on the non-vital part of the body. No incriminating article has been recovered from the conscious possession of 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 22.02.2023 and



has one criminal antecedent. The co-accused person has already been granted bail by this Court vide order dated 18.08.2022 passed in Cr. Appeal (SJ) No. 271 of 2022.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant, stating that there is direct allegation against the appellant of firing upon the informant and, therefore, prays that the appellant may not be released on bail.

6. As per the report sent by the learned court below regarding the present stage of trial, out of seven witnesses, one witness has been examined. It is further report that the trial is likely to be concluded within next four months.

6. Considering the aforesaid facts and circumstances of the case as also the long period of incarceration of the appellant and the present stage of the trial, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 11.09.2023 passed by learned Exclusive Special Judge, SC/ST, Patna in connection with Didarganj P.S. Case No. 255 of 2020 is hereby set aside.

7. Let the appellant, abovenamed, 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 Didarganj P.S. Case
No. 255 of 2020.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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