

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1772 of 2018

Arising Out of PS.Case No. -105 Year- 2017 Thana -KANTITHARMAL POWER District-
MUZAFFARPUR

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1. Birendra Rai, S/o Kira Rai, resident of Village- Bangri, P.S.- Kanti (Panapur
O.P.), District- Muzaffarpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail by order dated 17.04.2018 in Kanti (Panapur O.P.) P.S. Case No. 105 of 2017 passed by the learned 10th Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Muzaffarpur in connection with aforesaid case registered under Sections 323, 341, 307, 302/34 of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(i)(r) of the SC/ST Act.

Appellant and co-accused Shambhu Rai allegedly fired causing injury at the chest of the deceased. In the last of the FIR, informant is specific that firing of this appellant had hit the chest of the deceased. The Doctor has found single wound of entry and single



would of exit at the chest of the deceased. The appellant is in custody since 18.09.2017.

I do not find any substance in the submission of learned counsel for the appellant that case of the appellant is on similar footing to that of co-accused who has been allowed bail by this Court vide order dated 19.12.2017 passed in Cr. Appeal (SJ) No. 3075 of 2017 (Annexure-3) for the reason that the FIR is itself specific that firing of this appellant had caused death, hence, I am not inclined to enlarge the appellant on bail.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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