

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1914 of 2018

Arising Out of PS.Case No. -488 Year- 2017 Thana -BAKHTIYARPUR District- PATNA

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1. Sumit Kumar @ Ranga S/o Sri Gajendra Singh, R/o Vill.- Rawaich, P.S.-
Bakhtiyarpur, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Upendra Kumar Singh, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 31-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 13.04.2018 in Spl.Case No.764 of 2017 arising out of Bakhtiyarpur P.S.Case No.488 of 2017 passed by the learned Special Judge (S.C./S.T. Act)-cum-Addl. Sessions Judge-V, Patna, registered under Sections 307,326/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant is main assailant.

Submission is that co-accused-Vikash Kumar has



been granted bail by a Coordinate Bench of this Court.

Case of the appellant is distinguishable from Vikash Kumar, as informant has seen the appellant, firing at the deceased, which caused death.

Next submission is that besides the informant, no other witness has supported the allegation. Even father of the deceased has stated before the police that some unknown person has committed the crime.

Admittedly, father of the deceased is not a witness of the occurrence.

Further submission is that Monu, who was present alongwith the informant, has not been examined by the police nor he has given his statement before the police.

The aforesaid infirmity cannot diminish the value of the statement of the informant. Hence, I am not inclined to enlarge the appellant on bail. Prayer is refused.

The learned Trial Court is directed to expedite the trial.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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