

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2584 of 2018

Arising Out of PS.Case No. -176 Year- 2018 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Raushan Kumar @ Golu Kumar Singh S/o Umesh Singh, R/o Vill.- Panapur
Langa, P.S.- Hajipur Sadar, District- Vaishali.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Md. Imteyaz Ahmad, Advocate

For the Respondent/s : Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 27-08-2018

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 vide order dated 28.05.2018 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Vaishali at Hajipur, in Hajipur Sadar Police Station Case No.176 of 2018, registered under Section 302/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the appellant fired causing injury to Sudhir Paswan. The pistol of the appellant used was snatched by Jamun Rai present there.



Submission of the learned counsel for the appellant is that the informant is not an eyewitness of the occurrence because he was not present at the place of occurrence. The case-diary would reveal that none of the witness has claimed to be the eyewitness of the occurrence though they were present nearby the place of occurrence where a religious ceremony was going on. Moreover, the pistol was never produced to the police during the course of investigation by anyone. Even statement of Jamun Rai has not been recorded by the police. The appellant is in custody since 04.05.2018. Investigation of the case is already complete. The appellant has stated on oath that he has got no criminal antecedent.

Learned counsel for the informant opposed the prayer for bail.

Finding substance in the aforesaid submission, in my view, there is no substantial material against the appellant for further detention as under trial prisoner. Hence, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the



appellant.

Accordingly, the impugned order is set aside and appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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