

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4073 of 2018

Arising Out of PS. Case No.-218 Year-2018 Thana- HAJIPUR District- Vaishali

Rakesh Paswan @ Rakesh Kumar S/o Ram Nath Paswan R/V Hathsharganj,
P.S. Hajipur Town, Distt.-Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 07-12-2018

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 07.08.2018 passed by the learned Additional Sessions Judge-I, Vaishali at Hajipur, in connection with Hajipur Town Police Station Case No.218 of 2018, registered under Sections 302/353/224/120B/34 of the Indian Penal Code and Sections 3(2)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Co-accused Prince Kumar was under production before Juvenile Court. Allegation is that when the police officers were returning along with Prince Kumar to the Court Hazat, an unknown criminal fired in air and attempted to manage escape of Prince Kumar. In the meantime, Prince Kumar took the fire-arm from the



unknown person and fired at Hawaldar Ram Ekwai Ravidas, who died of such injury.

Submission is that during investigation name of Amit surfaced as the person who was along with Prince Kumar at the time of occurrence. Amit was arrested along with Prince but they did not disclose name of the appellant. Name of the appellant surfaced in the confessional statement of some other co-accused Sakaldeep Rai. Appellant is in custody since 26.04.2018. No overt-act is alleged against the appellant.

Considering the aforesaid facts, 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.

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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(Birendra Kumar, J)

