

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.627 of 2019

Arising Out of PS. Case No.-77 Year-2017 Thana- BACHHWARA District- Begusarai

Chhotu Singh, aged about 26 years, (M) Son of Ramuday Singh @ Uday Singh Resident of village- Hadipur, P.S- Bachhwara, Distt.- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raj Kumar Sinha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 26-03-2019 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 **02.01.2019** passed by learned **Special Judge SC/ST (POA) Act, Begusarai**, in connection with **Bachhwara P.S. Case No. 77 of 2017** registered under Sections 302, 120 B and 34 of the IPC, under Section 27 of the Arms Act and Section 3 (ii) (v) of SC/ST (Prevention of Atrocities) Act.

Informant who is the wife of the deceased has stated in her fardbeyan that on 01.06.2017 at about 5:30 A.M. when she was having tea along with her family members, six FIR named accused including appellant armed with firearm came at her



tea-stall and fired upon her husband as a result of which he sustained injuries and thereafter died on his way to hospital.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. There is no specific allegation against the appellant. Similar allegation is against all six FIR named accused. Co-accused Kanahiya Ram has been granted bail by a co-ordinate Bench of this Court vide order dated 05.11.2018 passed in Cr. Appeal (SJ) No. 3459 of 2018 in which Court has observed that the postmortem reveals that only two firearm injury were found on the person of deceased. He is in custody since 24.08.2018. Appellant has a criminal antecedent.

Considering the fact that appellant is also one of the assailant, I am not inclined to enlarge the appellant on bail at this stage, hence, the prayer for bail of the appellant is hereby rejected.

However, it is observed that appellant may renew his prayer for bail, after completing one year of jail custody.

(S. Kumar, J)

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