

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.679 of 2019

Arising Out of PS. Case No.-05 Year-2013 Thana- SHIVSAGAR District- Rohtas

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1. Shambhu Bind Son of Late Kamta Bind Resident of Village – Semari, P.S. Sheosagar, District-Rohtas
 2. Shio Murat Bind Son of Singhasan Bind Resident of Village – Semari, P.S. Sheosagar, District-Rohtas
 3. Gopal Bind Son of Jiuat Bind Resident of Village – Semari, P.S. Sheosagar, District-Rohtas
 4. Dhane Bind Son of Jiuat Bind Resident of Village – Semari, P.S. Sheosagar, District-Rohtas
 5. Somaru Bind Son of Jiuat Bind Resident of Village – Semari, P.S. Sheosagar, District-Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Sri Shankar Ram Resident of Village – Semari, P.S. Sheosagar, District-Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Pandey
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 18-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 17.12.2018 passed by learned 1st Addl. District & Sessions Judge, Rohtas at Sasaram in Sheosagar P.S. Case No. 5 of 2013 registered under Sections 307/34 of the Indian Penal Code,



Section 27 of the Arms Act whereas after investigation police submitted final form under Sections 341, 323, 504, 506 of the I.P.C. and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

When the son of the informant had gone to the pond for defecation, all the appellants caught him hold and when his son made good his escape from their clutches, they resorted firing which hit on his waist.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to quarrel between the children of both the parties. Allegation levelled against the appellants are not specific rather general and omnibus in nature. Appellants are said to have resorted firing upon the son of the informant, but doctor has not found any gun shot injury on the person of the victim rather pain and swelling and abrasion on the lumbar area which goes to rule out the prosecution case. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of



their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Rohtas at Sasaram in connection with Sheosagar P.S. Case No. 5 of 2013, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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