

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1235 of 2019

Arising Out of PS. Case No.-217 Year-2017 Thana- SAHPUR District- Bhojpur

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Brajesh Rai @ Brijesh Rai Son of Late Bishuni Rai Resident of Village -
Ramdathi, P.S.- Shahpur (Karnamepur), District - Bhojpur, Ara.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar Pandey
For the Respondent/s : Mr. Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 28-06-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 31.01.2019 passed by learned 1st Addl. Sessions Judge, Bhojpur at Ara in connection with Shahpur (Karnamepur) P.S. Case No. 217 of 2017 registered under Sections 323, 324, 307, 506 & 120-B/34 of the Indian Penal Code and Section 3 (I) (r) (s) (g) 2 (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and later on Section 302 IPC and Section 27 of the Arms Act was added.



Appellant and two other F.I.R. named accused persons are said to have resorted firing upon the brother of the informant by means of firearm while other named accused persons instigated them for the same.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to animosity. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The victim died in the hospital after 55 days of the occurrence due to septicemia. Appellant has no criminal antecedent and has been languishing in custody since 07.09.2018. Similarly situated co-accused Rameshwar Rai @ Rameshwar Ray has been enlarged on bail by a coordinate Bench of this Court vide order dated 19.06.2019 passed in Cr. Appeal (SJ) No.797 of 2019.

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

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1stAddl. Sessions Judge, Bhojpur at Ara in



connection with Shahpur (Karnamepur) P.S. Case No. 217 of
2017.

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

(Prakash Chandra Jaiswal, J)

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