

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1441 of 2019**

Arising Out of PS. Case No.-371 Year-2018 Thana- PHULWARISHARIF District- Patna

Sonu Kumar, Son of Shiv Kumar Sharma Resident of Village - Babhanpura,
P.S.- Phulwari, Distt - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anuj Kumar

For the Respondent/s : Mr.Sadanand Paswan

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

ORAL JUDGMENT

Date : 25-04-2019

Heard learned counsel for the appellant 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 09.03.2019 passed by learned Special Judge (SC/ST Act),
Patna in Phulwarisharif P.S. Case No. 371 of 2018 registered
under Section 302/34 of the Indian Penal Code, Section 27 of
the Arms Act and Section 3(r)(v) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.



Husband of the informant is said to have been gunned down by some unknown accused persons. Name of the appellant surfaced in the case during the course of investigation on the basis of the confessional statement of the appellant and two other accused persons.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. Appellant is neither named in the F.I.R. nor any incriminating article has been recovered from his conscious physical possession. There is nothing cogent in the record indicating the complicity of the appellant in the occurrence barring confessional statement of co-accused Abhishek Kumar and Satendra Kumar and the appellant himself which has no evidentiary value in the eye of law. Appellant has been languishing in custody since 14.12.2018.

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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the



learned Special Judge (SC/ST Act), Patna in connection with
Phulwarisharif P.S. Case No. 371 of 2018.

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

(Prakash Chandra Jaiswal, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
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