

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1420 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- MADHUBAN District- East Champaran

AKSHAY KUMAR Son of Ram Vinay Singh, resident of village- Ashopur,
P.S.- Piprahi, District- Sheohar..... Appellant/s

Versus

The State of Bihar..... Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1431 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- MADHUBAN District- East Champaran

NIRAJ SINGH son of Vimal Singh, resident of village- Lalgah, P.S.
Shyampur Bhatha, District- Sheohar..... Appellant/s

Versus

The State of Bihar..... Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1420 of 2019)

For the Appellant/s : Mr. Abhishek Kumar @ Sonu, Advocate

For the Respondent/s : Mr. Binay Krishna

(In CRIMINAL APPEAL (SJ) No. 1431 of 2019)

For the Appellant/s : Mr. Abhishek Kumar @ Sonu, Advocate

For the Respondent/s : Mr. Binay Krishna

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

ORAL JUDGMENT

Date : 20-06-2019

As both the aforesaid Criminal Appeal (SJ) have cropped up from the same P.S. case, hence aforesaid two Criminal Appeals are being heard together and disposed of by this common judgment.

Heard learned counsel for the appellants and learned Spl. P.P. for the State.

These are the appeals 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



18.03.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Madhuban P.S. Case No. 9 of 2019 registered under Sections 147, 148, 149, 384, 307, 302 of the Indian Penal Code and Section 25 (1-b) a, 26, 27, 35 of the Arms Act and Section 3 (2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

Eight named accused including appellant Niraj Singh and 8-10 unknown miscreants are said to have gunned down the grand-father of the informant and strangled to death one Raj Kishore Sharma.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. Appellant have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to dirty village politics and animosity. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellant Akshya Kumar is not named in the F.I.R. There is nothing on record to indicate the complicity of the appellant Akshya Kumar in the occurrence barring the confessional statement of the apprehended accused which has no evidentiary value in the eyes of law. It is further submitted on behalf of the appellant Niraj Singh that only one gun



shot injury was found on the person of deceased Kapildeo Rai but assailant of the said injury is not ascertained. One named accused namely Maya Singh has been enlarged on bail by co-ordinate Bench of this Court. Appellants have no criminal antecedent. They have been languishing in custody since 29.01.2019.

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

In the facts and circumstances of the case, the above named appellants are 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 1st Addl. Sessions Judge cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Madhuban P.S. Case No. 9 of 2019.

Accordingly, the impugned order is set aside and aforesaid two appeals are allowed.

(Prakash Chandra Jaiswal, J)

T.Kr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.6.2019
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