

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1618 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

Raj Ballav Kumar, aged about 33 years, Male, Son of Harsingh Rai, Resident of Village - Dighi Kala Purvi, P.S.- Hajipur Sadar, District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL JUDGMENT

Date : 24-04-2019

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) Amendment Act, 2015 against the refusal of prayer
for bail vide order dated 06.04.2019 passed by learned
Additional Sessions Judge-I cum Special Judge (SC/ST Act),
Vaishali at Hajipur in Hajipur Sadar P.S. Case No. 71 of 2019
registered under Sections 147, 148, 149, 447, 307, 302 and 504
of the Indian Penal Code, Section 27 of the Arms Act and
Section 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Amendment Act, 2015.

Appellant along with 31 named and some other
accused persons armed with weapons protested taking out



immersion procession of Goddess Saraswati from his door by the informant and Bindi Rai slating the informant in the name of the caste gave order to assault him and others whereupon Raju Kumar fired on Chandani Kumari resulting into her death while Manish Kumar, Rajesh Rai and Rakesh Rai also made indiscriminate firing causing injury to some 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 due to dirty village politics. He does not happen to be the assailant. Appellant has no criminal antecedent and has been languishing in custody since 12.02.2019.

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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I cum Special Judge (SC/ST Act), Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 71 of 2019.



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

(Prakash Chandra Jaiswal, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	25.04.2019
Transmission Date	25.04.2019

