

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1693 of 2019

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

NIRAJ KUMAR @ NIRAJ KUMAR SINGH Son of Shiv Shankar Singh,
Resident of Village - Semaraha, Police Station- Rajepur, District- East
Champaran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dilip Kumar Tondon
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

4 03-07-2019 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 referred to as the “SC/ST
Act”) against the refusal of prayer for bail vide order dated
18.03.2019 passed by learned 1st Additional Sessions Judge-
cum-Special Judge (SC/ST) Act, East Champaran, 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 and
also under Section 3 (2) (v) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.



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

It is submitted by the learned counsel for the appellant that no such occurrence as alleged took place. Appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics and animosity. Appellant is not named in the F.I.R. There is nothing on record to indicate the complicity of the appellant in the occurrence barring confessional statement of co-accused Akshya Kumar which has no evidentiary value in the eyes of law. Moreover doctor has found only one gun shot injury on the person of deceased Kapildeo Rai and the assailant of the said injury is not ascertained. The said Akshya Kumar has been enlarged on bail by this Court passed in CR. APP (SJ) No. 1420 vide order dated 20.6.2019 and co-accused Maya Singh has been enlarged on bail by co-ordinate Bench of this Court. Appellant has no criminal antecedent. He has been languishing in custody since 29.1.2019.

Learned Spl. P.P. 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 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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