

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1774 of 2019**

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

Sawindar Rai @ Sarvindra Kumar Son of Meghan Rai Resident of Village-
Derpura, Vidyapati, Nagar, P.S.- Vidyapati Nagar, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajeev Ranjan

For the Respondent/s : Mr. Usha Kumari 1

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

ORAL JUDGMENT

Date : 29-04-2019

As prayed, learned counsel for the appellant is directed to incorporate Section 302 of I.P.C. in paragraph 1 of the appeal during course of the day.

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 03.04.2019 passed by learned 1st Addl. Sessions Judge 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, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v)(a) of SC/ST Act.



Appellant along with 33 other named accused persons are said to have descended at the locality of the informant and Bindi Rai slated the informant in the name of his caste and at the instigation of Bindi Rai, Raju Kumar son of Jyoti Rai resorted firing upon Chandani Kumari resulting into her death while accused Manish Kumar, Rajesh Rai and Rakesh Rai also resorted indiscriminate firing resultantly five named persons were injured.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. Appellant has been falsely implicated in this case. He happens to be mere member of the mob. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant does not happen to be the assailant. Appellant has no criminal antecedent and has been languishing in custody since 12.02.2019 and similarly situated co-accused, namely, Raj Ballav Kumar, Kaleshwar Rai, Chandeshwar Rai, Raju Rai S/o Babu Lal Rai have been enlarge on bail by this Court vide order dated 24.04.2019 and 25.04.2019 passed in Cr. Appeal (SJ) Nos. 1618 of 2019 and 1694 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/- (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 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)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.04.2019
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