

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1965 of 2019**

Arising Out of PS. Case No.-17 Year-2019 Thana- RISIYAP District- Aurangabad

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Rahul Kumar @ Rahul Chandrabanshi Son of Pramod Kumar Resident of  
Village - Wajidpur, Banjari, P.S.- Rohtas, District - Rohtas

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ashok Kumar Singh

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

4      17-07-2019                      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 22.04.2019 passed by learned 1<sup>st</sup> Addl. Sessions Judge-  
cum-Special Judge, SC/ST Act, Aurangabad in Risiup P.S. Case  
No. 17 of 2019 initially registered under Sections 363 of the  
Indian Penal Code and later on added Sections 364, 302, 201,  
120 of the Indian Penal Code and Section 3(2)(v) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act.

Son of the informant, namely, Luv Kumar left the



house for Dehri, but he did not regress to the house. His son used to interact with one Sonia Kumari on mobile. On quizzing, Sonia Kumari, she divulged that Luv Kumar had arrived at Dehri, but she does not know his whereabouts. During the course of investigation, Sonia Kumari and her mother Mina Kumari divulged that they committed murder of Luv Kumar by calling him at their house along with the appellant and other accused persons as Luv Kumar was having lopsided love with Sonia Kumari and her family members did not like him.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to ulterior motive. He is completely stranger to the family of Luv Kumar and Sonia Kumari. Allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no eyewitness of arriving the deceased at Dehri or at the house of Sonia Kumari at her house on her call. There is no cogent evidence on record to indicate the complicity of the appellant in the occurrence barring confessional statement of co-accused Sonia Kumari and her mother Mina Kumari, which have no evidentiary value in the eye of law and it is also not admissible in evidence against the appellant. Appellant has no criminal



antecedent and has been languishing in custody since 13.03.2019 and similarly situated co-accused, namely, Vikash Sao has been enlarged on bail by the learned court below.

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 1<sup>st</sup> Addl. Sessions Judge-cum-Special Judge, SC/ST Act, Aurangabad in connection with Risiup P.S. Case No. 17 of 2019.

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

**(Prakash Chandra Jaiswal, J)**

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