

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2014 of 2019

Arising Out of PS. Case No.-146 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

Vishnu Jaisawal, Son of Deo Kumar Jaisawal Resident of Village - Odar, P.S.-
Sonhan, District - Kaimur at Bhabua.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Usha Devi Wife of Vijay Chaudhari Resident of Village - Kir-Kala, P.S.-
Sonhan, District - Kaimur at Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tribhuwan Narayan
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

4 03-07-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

The aforesaid appeal has been filed by the appellant under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide orders dated 16.04.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, Kaimur at Bhabhua in Bhabua (Sonhan) P.S. Case No. 146 of 2019 registered under Sections 147, 148, 149, 307 & 302 of the Indian Penal Code, Sections 25(1-b)/A/26/27/35 of Arms Act and Section 3(i)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



On the exhortation of Chhedi Jaiswal and Binda Jaiswal, eighteen named accused persons are said to have resorted firing from the terrace by means of firearm resulting into death of Vijay Kharwar and inflicting injury to other persons while on the exhortation of the aforesaid two accused persons, Dev Kumar Jaiswal and Pintu Jaiswal resorted firing upon Munna Chaudhary from terrace resulting into his death.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case due to dirty village politics and animosity. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant is said to have resorted firing from the terrace, but doctor conducting autopsy of the cadaver of the deceased Vijay Kharwar and Munna Chaudhary has found multiple pellet size lacerated wound with tattooed inverted margin scattered over the body on the persons of the deceased. Said report of the doctor completely rules out the prosecution case as the firearm injury having tattooing mark can be inflicted from 2-3 feet and not from the terrace. Appellant has no criminal antecedent and has been languishing in custody since 17.03.2019.

Learned Spl. PP for the State opposing the prayer of



bail submitted that besides two deceased some other persons have sustained gun shot injury in the occurrence, hence, appellant does not deserve bail.

Having regard to 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, Kaimur at Bhabhua in connection with Bhabhua (Sonhan) P.S. Case No. 146 of 2019.

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

Appellant is directed to extend all sorts of cooperation in conducting the trial.

(Prakash Chandra Jaiswal, J)

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