

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2227 of 2019

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

Akhilesh Sao Son of Late Rajendra Sao Resident of Village- Kerpa, P.S.-
Amjhor, District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwari
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

5 23-07-2019 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 15.04.2019 passed by learned 1st 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 with Sections 302, 120 of
the Indian Penal Code.

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 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 and Rahul Kumar @ Rahul Chandrabanshi has been enlarged on bail by this Court vide order dated 17.07.2019 in Cr. Appeal (SJ) No. 1965 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, 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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