

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2274 of 2019

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

1. SURESH RAI Son of Laxmi Rai Resident of Village- Dighikala Purvi, Police Station- Hajipur in the district of Vaishali.
2. Suman Kumar Son of Dharmdev Ray Resident of Village- Dighikala Purvi, Police Station- Hajipur in the district of Vaishali.
3. Chandan Rai Son of Chandeshwar Rai Resident of Village- Dighikala Purvi, Police Station- Hajipur in the district of Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 12-07-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 22.05.2019 passed by learned Additional Sessions Judge-I cum Special Judge, Vaishali at Hajipur in Hajipur Sadar P.S. Case No. 71 of 2019 registered under Sections 147, 148, 149, 447, 307, 302, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v)(a) of the SC/ST Act.

Appellants and 31 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 exhortation 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 appellants that no such occurrence as alleged ever took place. Appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. They do not happen to be the assailant. Appellants have no criminal antecedent. Similarly situated co-accused namely Raj Ballav Kumar, Kaleshwar Rai, Chandeshwar Rai and Raju Rai have been enlarged on bail by this court vide order dated 24.04.2019 and 25.04.2019 passed in Cr.APP (SJ) Nos. 1618 of 2019 and 1694 of 2019 respectively.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond



of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I cum Special Judge, Vaishali at Hajipur in Hajipur Sadar P.S. Case No. 71 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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