

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2800 of 2019**

Arising Out of PS. Case No.-313 Year-2015 Thana- BARAUNI District- Begusarai

Rupesh Kumar @ Kanhaiya Singh @ Kanhaiya @ Kanhiya Kumar S/o.
Dinesh Singh @ Dinesh Kumar Roy, R/o. Village- Simariya-I, P.S. Barauni,
District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam, Advocate
For the Respondent/s : Mr.Binay Krishna, SPP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

9 28-11-2019

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, against the refusal of prayer for bail vide order dated 01.05.2019 passed by the learned Special Judge (S.C./S.T. Act), Begusarai, in connection with Barauni Police Station Case No.313 of 2015 registered under Sections 302/201/34 of the Indian Penal Code and Section 3(2)(v)(vi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the informant saw that the petitioner and two others were abusing to his brother Birju Paswan as well as committing assault against him. Thereafter, the accused persons fired from their fire-arms and took brother of the informant towards river side. Thereafter, brother of the informant was missing.

Submission of the learned counsel for the petitioner is



that after missing of the brother of the informant concocted allegation was labelled. In fact, the informant is not a witness of any part of the occurrence nor the so called witness Dharo Paswan has supported anything more than what the informant stated in the FIR. The petitioner is in custody since 16.10.2018. The petitioner has got a long list of criminal antecedent. Investigation of the case is already complete.

Considering the material against the petitioner which is mere suspicion, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the bailors shall be resident of territorial jurisdiction of the court-below and the appellant shall remain present in Court for smooth progress of the trial, in the event of any allegation of misuse of privilege of bail the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

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