

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2748 of 2019

Arising Out of PS. Case No.-45 Year-2018 Thana- PARSA District- Saran

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Sandeep Ojha Son of Anil Ojha @ Bhola Ojha Resident of Village - Parsa Mathura, P.S.- Parsa, Distt - Saran (Chapra).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2752 of 2019

Arising Out of PS. Case No.-45 Year-2018 Thana- PARSA District- Saran

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Shikari Rai S/o Birendra Rai R/o Village- Akhtiyarpur, P.S.- Garkha, District- Saran (Chapra)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 2748 of 2019)

For the Appellant/s : Mr. Sachida Nand Rai

For the Respondent/s : Mr. Binay Krishna

(In CRIMINAL APPEAL (SJ) No. 2752 of 2019)

For the Appellant/s : Mr. Sachida Nand Rai

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 20-08-2019 As the aforesaid two criminal appeals have cropped up from the same order, hence, they are taken up together and are being disposed of by common order.

Heard learned counsel for the appellants 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 18.06.2019 passed by learned 1st Addl. District & Sessions Judge-cum-Special Judge, SC/ST, Saran at Chapra in Parsa P.S. Case No. 45 of 2018 registered under Sections 302, 120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(Vr) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Husband of the informant, who happens to be Chowkidar is said to have been gunned down by 5-6 motorcycle borne criminals including the appellants while he had gone on his duty in conspiracy with the co-accused Lal Babu Mian, Maina Devi and others as he had been instrumental in lodging the FIR against them and carrying out raid in their houses, who happen to be liquor mafiya.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case merely on suspicion. There is no eyewitness of the occurrence. There is nothing on record indicating the complicity of the appellants in the occurrence barring the confessional statement of the appellant Shikari Rai, which has no evidentiary value in



the eye of law. No incriminating article has been recovered from conscious physical possession of the appellants. Appellants have been languishing in custody since 01.10.2018. Similarly situated several co-accused persons have been enlarged on bail by different co-ordinate Benches of this Court.

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

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail 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 1st Addl. District & Sessions Judge-cum-Special Judge, SC/ST, Saran at Chapra in connection with Parsa P.S. Case No. 45 of 2018.

Accordingly, the impugned order is set aside and the aforesaid two appeals are allowed.

(Prakash Chandra Jaiswal, J)

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