

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2874 of 2019

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

Raju Kumar, Son of Sri Jyoti Rai @ Jyotilal Ray Resident of Village -
Dighikala Purvi, P.S.- Hajipur Sadar in the District- of Vaishali.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

3 29-08-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 31.05.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No.71 of 2019 registered under Sections 147, 148, 149, 447, 307, 302, 504 & 506 of the Indian Penal Code and Section 3(2) (v) (a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant 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, appellant Raju Kumar 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 appellant that no such occurrence as alleged ever took place. Appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. He does not happen to be the assailant. Albeit informant in his written report has stated that appellant happens to be assailant of Chandani Kumari but in his further statement he has candidly stated that Rajiv Kumar, Bhuvneshwar Rai and Rakesh Rai resorted firing by means of rifle and country made pistol. He has not taken the name of the appellant in resorting firing. Witness in para-5 of the case diary, who happens to be uncle of the deceased, has stated that bullet was fired by means of licensee arm by Rajiv Kumar which hit the Chandani Kumari, which proved fatal. Witnesses in paras-6, 7 and 46 of the case diary has not named the appellant as the person resorting



firing. Similarly situated co-accused namely Raj Ballav Kumar, Kaleshwar Rai, Chandeshwar Rai, Raju Rai and Suresh Rai and others have been enlarged on bail by this Court vide order dated 24.04.2019, 25.04.2019 and 12.07.2019 passed in Cr.APP (SJ) Nos. 1618 of 2019, 1694 of 2019 and 2274 of 2019 respectively.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Vaishali at Hajipur in connection with 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 this appeal is allowed.

Trivedi/-

(Prakash Chandra Jaiswal, J)

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