

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2988 of 2019**

Arising Out of PS. Case No.-294 Year-2018 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

=====

Md. Salauddin Sah @ Lalu S/o Md. Mushkee @ Mushlime Resident of
Misrouliya Afjalpur Ward No. 4, P.S.- Belsar, District- Vaishali

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Anupa Nand Jha
For the Respondent/s : Mrs. Usha Kumari 1

=====

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

ORAL ORDER

4 30-09-2019 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 14.05.2019 passed by learned A.D.J.-III-cum-Special
Judge, SC/ST Act, Bhagalpur in Bhagalpur Rail P.S. Case No.
294 of 2018 registered under Sections 363, 379, 411, 364,
302/34 of the Indian Penal Code and Section 3(2)(v) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Some unknown miscreants are said to have
committed murder of the father of the informant by



administering him poison laced substance in the Farakka Express on the way from Bhagalpur to Gopalganj and one of the mobile phone of the deceased is said to have been recovered from the house of the appellant.

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 dirty village politics. He is not named in the FIR. There is no eyewitness of the occurrence. Mobile phone of the deceased has not been seized from the house of the appellant and there is no seizure list of the aforesaid mobile phone in the case diary and there is seizure list witness. There is no cogent incriminating material on record indicating the complicity of the appellant in the occurrence barring his confessional statement, which has no evidentiary value in the eye of law. Deceased has not died due to administering him poison rather injury sustained on his head. Appellant has no criminal antecedent and has been languishing in custody since 30.12.2018.

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 A.D.J.-III-cum-Special Judge, SC/ST Act, Bhagalpur in Bhagalpur Rail P.S. Case No. 294 of 2018.

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

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

