

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3148 of 2019

Arising Out of PS. Case No.-218 Year-2018 Thana- HAJIPUR District- Vaishali

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Sujeet Kumar @ Thapachi Son of Late Basudev Rai @ Basudo Rai Resident
of Village- Chakmakra, P.S.- Hajipur Sadar, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma

For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

3 06-09-2019 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 for bail vide order
dated 13.05.2019 passed by learned 1st Additional Sessions
Judge cum Special Judge SC/ST Act, Vaishali at Hajipur in
connection with Hajipur Town P.S. Case No. 218 of 2018
registered under Sections 302, 353, 224 & 120 B/34 of the
Indian Penal Code and Section 3(2) (va) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While taking under trial prisoner Prince Kumar to
hazat after his production before Juvenile Justice Court, three



unknown miscreants tried to extricate him from police custody. In the meantime, said Prince Kumar taking pistol from one of the miscreants resorted firing upon Havaladar Ramekbal Ravidas and all the accused persons made good their escape. Said police personnel was rushed to hospital but he was declared brought dead.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in the case. There is nothing cogent on record indicating the complicity of the appellant in the occurrence barring the confessional statement of coaccused Amit Kumar which has no evidentiary value in the eye of law. Appellant does not happen to be assailant. As per the prosecution case itself, it is the Prince Kumar who resorted firing upon the deceased. Appellant has been languishing in custody since 02.07.2018. Similarly situated co-accused Sujeet Kumar @ Bhuila and Rakesh Paswan @ Rakesh Kumar and have been enlarged on bail by a coordinate Bench of this Court vide order dated 26.11.2018 & 07.12.2018 passed in Cr. Appeal (SJ) Nos. 3260 of 2018 & 4073 of 2018 respectively.

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 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 SC/ST Act, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 218 of 2018.

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

(Prakash Chandra Jaiswal, J)

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