

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3835 of 2019**

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

Harishankar Rai S/o Late Param Rai @ Premalal Ray @ Premlal Ray R/o
village- Digghi Kala East, P.S.- Hajipur Sadar, District- Vaishali

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent.

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 11-09-2019 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 08.08.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Hajipur, Vaishali 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) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellant along with 32 other named and 50 unnamed 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 instigation of Bindi Rai, Raju Kumar son of Jyoti Rai 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 been falsely implicated in the case due to dirty village politics. No overt act has been attributed to the appellant. Appellant does not happen to be assailant. Appellant has no criminal antecedent. Similarly situated co-accused Rajiv Kumar @ Rajiv Kumar Ray has been enlarged on bail by a coordinate Bench of this Court vide judgment dated 04.06.2019 passed in Cr. Appeal (SJ) No.1647 of 2019 and several other co-accused persons have been enlarged on bail by this Court.

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 Addl. Sessions Judge cum Special Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No.71 of 2019.

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

(Prakash Chandra Jaiswal, J)

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