

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3908 of 2019

Arising Out of PS. Case No.-87 Year-2018 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Kundan Sahni @ Kundan Kumar Son of Om Prakash Sahni Resident of
Village- Manikpur, Dunhi, P.S.- Garhpura, District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

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

ORAL ORDER

2 16-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for anticipatory bail vide order
dated 07.08.2019 passed by learned Special Judge, SC/ST (PoA)
Act, Begusarai in Nawkothe P.S. Case No. 87 of 2018 registered
under Sections 302, 201 and 120(B) of the Indian Penal Code,
Sections 25(1-b)a, 26, 27 and 35 of the Arms Act and Sections
3(2)(v) of the SC/ST Act.

A dead body is said to have been recovered from the
dickey of the Alto Car and driver of the car namely Sujeet
Yadav and its occupant Gopal Kumar were apprehended from
the said car. From the possession of Gopal Kumar, one loaded



pistol and 15 live cartridges were recovered. Aforesaid Gopal Kumar in his confessional statement named the appellant in the occurrence.

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 previous animosity. Name of the appellant has surfaced only on the basis of confessional statement of Gopal Kumar given before the I.O. which has no evidentiary value in the eye of law. Barring the aforesaid confessional statement, there is nothing on record indicating complicity of the appellant in the occurrence. There is no eyewitness of the occurrence. Appellant happens to be student of Class-11 and he has no criminal antecedent. Said Gopal Kumar has been enlarged on bail by this Court vide order dated 20.08.2019 passed in Cr. Appeal (SJ) No. 1649 of 2019 while Sujeet Yadav has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 26.03.2019 passed in Cr. Appeal (SJ) No. 369 of 2019.

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

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his



arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned learned Special Judge, SC/ST (PoA) Act, Begusarai in connection with Nawkothi P.S. Case No. 87 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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