

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4310 of 2019**

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

SAKALDIP KUMAR @ SAKALDIP PASWAN Son of Vishwanath Paswan
Resident of Village - Sondho Mubarakpur, P.S.- Goraul, District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

3 21-11-2019 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, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 16.08.2019 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, Section 27 of the Arms Act and Section 3(2), 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 Board, 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 Hawaldar Ramekbal Ravidas, then all the accused persons made good their escape. Said Hawaldar was rushed to hospital but he was declared brought dead by the doctor.

It is submitted by learned counsel for the appellant that the 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 co-accused Amit Kumar and that of the appellant 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 which proved fatal. Appellant has been languishing in custody since 11.04.2019. Similarly situated co-accused namely Sujeet Kumar @ Bhuila and Rakesh Paswan @ Rakesh Kumar 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, while co-accused



Sujeet Kumar @ Thapachi, Vivek Rai @ Vivek Kumar @ Bhaku and Manish Rai @ Manish Kumar Rai have been enlarged on bail by this Court vide orders dated 06.09.2019, 26.09.2019 passed in Cr. Appeal (SJ) Nos. 3148 of 2019 and 4036 of 2019.

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 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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