

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4255 of 2019

Arising Out of PS. Case No.-554 Year-2019 Thana- HAJIPUR District- Vaishali

Bateshwar Das Son of Late Yugeshwar Das Resident of Village- Konhara
Ghat, Police Station- Hajipur Town, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Prabhat

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

2 15-10-2019 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 17.08.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 554 of 2019 registered under Section 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Six named accused persons arriving at the burning



place slated the brother of the informant. On the exhortation of appellant Rakesh Das resorted firing on the temple while Umesh Yadav resorted firing on the stomach of the brother of the informant. His brother succumbed to injury.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, there was some altercation between the deceased and some persons who had arrived at the burning place for cremation over extortion of money by the deceased and deceased was gunned down by them but the informant falsely implicated the appellant and his family members in the case as the appellant happens to be incharge of the burning place and as per the informant he had not intervened the occurrence. Appellant does not happen to be assailant rather the order giver. Appellant has no criminal antecedent and has been languishing in custody since 13.08.2019.

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,
Vaishali at Hajipur in connection with Hajipur Town P.S. Case
No. 554 of 2019.

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

(Prakash Chandra Jaiswal, J)

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