

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4580 of 2019

Arising Out of PS. Case No.-237 Year-2019 Thana- BUXAR District- Buxar

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1. RAKESH KUMAR @ RAKESH KUMAR RAM Son of Sita Ram Resident of Village - Nai Bazar Akraura, P.O.- Buxar, P.S.- Buxar Nagar, District - Buxar
 2. Harendra Yadav @ Harendra Kumar Son of Nand Kumar Yadav Resident of Village - Nai Bazar Akraura, P.O.- Buxar, P.S.- Buxar Nagar, District - Buxar

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dharendra Kumar Sinha
For the Respondent/s	:	Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

- 3 24-10-2019 Heard learned counsel for the appellants 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 against the refusal of prayer for bail vide order dated 21.09.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge (SC/ST), Buxar in Buxar (Town) P.S. Case No. 237 of 2019 registered under Sections 147, 148, 149, 302, of the Indian Penal Code Act, Section 27 of the Arms Act and Section 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Nine accused persons including the appellants



arriving at the egg shop of brother-in-law of the informant demanded egg in haste slating him. On protest made by her brother-in-law, co-accused Cheddi Yadav whipping out pistol resorted firing upon him. Thereafter all the accused persons left the scene. Victim was rushed to the hospital but was declared brought dead by the doctor.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to dirty village politics. They do not happen to be assailant. Allegation of resorting firing upon the deceased is only against Cheddi Yadav and doctor conducting autopsy of the cadaver of the deceased has found only one injury on the head of the deceased. Appellants have been languishing in custody since 01.07.2019. Similarly situated co-accused Deepu Kumar Shyam Bihar Ram @ Sham Bihar Ram has been enlarged on bail by this Court vide order dated 17.09.2019 passed in Cr. Appeal (SJ) No.3930 of 2019.

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

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on



furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge (SC/ST), Buxar in connection with Buxar (Town) P.S. Case No. 237 of 2019.

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

(Prakash Chandra Jaiswal, J)

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