

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4542 of 2019**

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

SONU KUMAR S/o Shiv Ji Ram R/o Mohalla- Nai Bazar Akroda Ward No. 05, P.S.- Buxar (Town), District- Buxar

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

2 21-10-2019 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 of anticipatory bail vide order dated 17.09.2019 passed by learned Additional Sessions Judge-1st-cum-Special Judge, Buxar in connection with SC/ST Case No.27 of 2019, arising out of Buxar (Town) P.S. Case No.237 of 2019, registered under Sections 147, 148, 149, 302 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Nine accused persons including the appellant 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 and resorted firing upon him. Thereafter all the accused persons left the scene. He was rushed to the hospital but was declared brought dead by the doctor.

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 the case on suspicion as he was standing at the egg shop of the deceased at the time of occurrence. He does 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. Appellant has no criminal antecedent and has been languishing in custody since 16.03.2019. Similarly situated co-accused Deepu Kumar Shyam Bihari Ram @ Sham Bihari 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 appellant, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, 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 Additional Sessions Judge-1st-cum-Special Judge, Buxar in connection with SC/ST Case No.27 of 2019, arising out of Buxar (Town) P.S. Case No.237 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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