

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4597 of 2019

Arising Out of PS. Case No.-62 Year-2019 Thana- KORANSARAI District- Buxar

SANJAY DUBEY Son of Sri Bharat Dubey Resident of Village - Lahana,
P.S.- Koransarai, Distt - Buxar.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar

For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2 23-10-2019 Heard learned counsel for the appellant, learned
counsel for the informant 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 25.09.2019 passed by learned 1st Additional Sessions
Judge cum Special Judge, Buxar in connection with Koransarai
P.S. Case No. 62 of 2019 registered under Section 302/34 of the
Indian Penal Code, Section 27 of the Arms Act and Section 3(1)
(r) (s) and 3 (2) (v) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.

While the informant along with his cousin was



working in the field of Narain Dubey taking it on rent, Sanjay Dubey (appellant) arriving there and slating in the name of caste warned him from ploughing the field and on protest made by informant, on the exhortation of Sanjay Dubey, Mantu Dubey and Manish Dubey resorted firing upon his cousin who succumbed to injury.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case at the instance of Narain Dubey who happens to be his agnate and have land dispute with him. Appellant does not happen to be assailant rather the assailant are Mantu Dubey and Manish Dubey and they are in custody. Appellant has been languishing in custody since 15.07.2019. Hence, he may be enlarged on bail.

On the other hand, learned counsel for the informant and learned Spl. PP for the State opposing the prayer for bail submitted that the appellant slated the informant in the name of caste and on his exhortation Mantu Dubey gunned down the cousin of the informant. Hence, he does not deserve 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, Buxar in connection with Koransarai P.S. Case No. 62 of 2019.

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

(Prakash Chandra Jaiswal, J)

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