

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4697 of 2019

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

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Mohan Kumar @ Devan Mohan Kumar @ Divan Son of Chandrama Ram
Resident of Nayi Bazar, Buxar, P.O.- Buxar, P.S.- Buxar Town, Distt - Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramchandra Singh
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 05-11-2019 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 bail vide order dated 21.09.2019 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(2)(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 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 due to dirty village politics. He does not happen to be assailant. Allegation of resorting firing upon the deceased is only against Cheddi Yadav. There is no allegation of slating the deceased in the name of his caste against the appellant. Appellant has no criminal antecedent and has been languishing in custody since 01.07.2019. Similarly situated co-accused, namely, Deepu Kumar Shyam Bihari Ram @ Sham Bihari Ram and Sonu Kumar have been enlarged on bail by this Court vide orders dated 17.09.2019 and 21.10.2019 passed in Cr. Appeal (SJ) Nos.3930 of 2019 and 4542 of 2019, respectively.

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 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.

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

(Prakash Chandra Jaiswal, J)

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