

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4737 of 2019

Arising Out of PS. Case No.-72 Year-2019 Thana- VIDYAPATINAGAR District- Samastipur

KARI RAI @ RAM SEVAK RAI S/o- Late Shivji Rai Resident of Village-
Sherpur Diyara, Police Station- Vidyapati Nagar, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Lakshmindra Kumar Yadav
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

2 13-11-2019 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 for bail vide order dated 17.08.2019 passed by learned Special Judge (SC/ST Act), Samastipur in connection with Vidyapatinar P.S. Case No. 72/2019 registered under Sections 302/34 of the Indian Penal Code, Section 27 of Arms Act and Section 3(1) (r) (s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Seven named accused persons including the



appellant and 2-3 unknown miscreants are said to have assaulted the husband of the informant arriving at her house in the night over land dispute and co-accused Rabin Rai resorting firing on the left knee of her husband. Her husband was rushed to the hospital but he was declared brought dead.

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 land dispute between the parties. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Doctor has found four injuries on the left leg of the deceased. He has not found any firearm injury on the person of the deceased while as per F.I.R., Rabin Rai resorted firing on left leg of the deceased by means of pistol which creates serious doubt about the prosecution case. Assailant of the aforesaid injuries is not ascertained. Moreover, the parties to the case have compromised the matter. Appellant has no criminal antecedent and has been languishing in custody since 22.06.2019.

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 Special Judge (SC/ST Act), Samastipur in connection with Vidyapatnagar P.S. Case No. 72/2019.

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

(Prakash Chandra Jaiswal, J)

amit/-

U		T	
---	--	---	--

