

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.276 of 2020

Arising Out of PS. Case No.-329 Year-2018 Thana- BIDUPUR District- Vaishali

Sanoj Kumar @ Chotu @ Sanoj Kumar Rai @ Sanoj Yadav Son of Upendra
Ray Resident of Village - (Mathura), Dilawar Gobardhan, P.S.- Bidupur,
District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manindra Kishore Singh
For the Respondent/s : Mr.Usha Kumari I

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 23-01-2020 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for bail vide order dated
19.12.2019 passed by learned Addl. Sessions Judge-I-cum-
Special Judge, Hajipur (Vaishali) in connection with Bidupur
P.S. Case No. 329 of 2018, registered under Sections 302,
120(B) and 387/34 of the Indian Penal Code and Section 3(i)(v)
of the SC/ST Act and Section 27 of the Arms Act.

Accusation is that on 23.08.2018 Rajan Rajak,
husband of the informant Uma Devi received mobile call of
Ajay Kumar, driver of his Hywa, to the effect that his Hywa has
been stopped in village-Mathura and they are calling owner of
the Hywa. Thereafter, Rajan Rajak, husband of the informant,



moved on motorcycle for there. The informant received information that her husband has been killed and driver and Khalasi are missing. Before three days Dharmnath Singh @ Dharma, Pappu Singh, Pappu Choudhary, Bhagdeo Rai, Dharmendra Rai and Arun Choudhary had come at her house and made demand of ransom of Rs. Five Lakh for running of sand business, but her husband was not ready for the same. The informant raised suspicion against the aforesaid persons in committing the murder of her husband.

Learned counsel appearing on behalf of appellant submits that in course of investigation, the Police recorded the confessional statement of Dharmendra Kumar @ Dharma Singh in which he disclosed that the petitioner is his friend without disclosing any role of petitioner in the present case and on that very basis, the petitioner was apprehended in this case. Further submission is that, in fact, the appellant is accused in Industrial Area P.S. Case No. 167 of 2018, but he is on bail in that case due to that reasons, the Police implicated the appellant in the present case showing his name in the confessional statement of co-accused Dharmendra Kumar @ Dharma Singh. The petitioner is in custody since 25.11.2019.

Having regard to the facts and circumstances of the



case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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 Addl. Sessions Judge-I-cum Special Judge, Hajipur (Vaishali) in connection with Bidupur P.S. Case No. 329 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Rajendra Kumar Mishra, J)

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