

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.587 of 2020**

Arising Out of PS. Case No.-554 Year-2019 Thana- HAJIPUR District- Vaishali

Umesh Das, S/o Bateshwar Das, R/o village- Konhara Ghat, P.S.- Hajipur  
Town, District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Rajeev Ranjan, Advocate.  
For the Respondent/s : Mr.Binay Krishna, APP

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

**ORAL JUDGMENT**

**Date : 28-08-2020**

Heard learned counsel for the appellant and the  
learned Additional Public Prosecutor for the State through Video  
Conferencing.

This appeal, under Section 14(A)(2) of the Scheduled  
Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989,  
is directed against the order dated 21.12.2019 passed in Hajipur  
Town P.S. Case No. 554 of 2019, registered under Sections 302/34  
of the Indian Penal Code and Sections 3(i), (r), (s) of the  
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)  
Act, whereby and whereunder, the learned Ist Additional Sessions  
Judge-cum-Special Judge (SC/ST), Act, Vaishali at Hajipur,  
rejected the prayer for bail of the appellant.



The accusation is that on 21.06.2019, at about 9.30 AM, Suraj Kumar Mallik, one of the brother of the informant, Rahul Kumar, was present at cremation place, Hajipur, for making preparation of funeral of the dead body. At that time, Rakesh Das, Umesh Das (appellant) and Rajesh Das along with their father Bateshwar Das, mother Bedami Devi and Prashant Kumar Sah reached there and started to abuse his brother, Suraj Kumar Mallik. When his brother, Suraj Kumar Mallik, made protest then on the order of Bateshwar Das, Rakesh and Umesh Das (petitioner) shot fire causing firearm injury at his brother, Suraj Kumar Mallik, who was rushed to the Sadar Hospital, Hajipur, where his brother was declared dead.

Learned counsel for the appellant submits that the appellant has no criminal antecedent and is in custody since 20.08.2019. Further submission is that co-accused, Bateshwar Das, who is order giver, has already been allowed privilege of bail by a Bench of this Court vide order dated 15.10.2019 passed in Criminal Appeal (SJ) No. 4255 of 2019.

There is specific allegation against Rakesh Das and Umesh Das (petitioner) to shot fire at the deceased, Suraj Kumar Mallik on the order of their father, Bateshwar Das. In the



postmortem report, two firearm injuries were found on the person of the deceased.

Having considered the facts and circumstances of the case and the nature of allegation against the appellant, I am not inclined to grant bail to the appellant. Accordingly, his prayer for grant of bail stands rejected and this Criminal Appeal is dismissed.

**(Rajendra Kumar Mishra, J)**

Bhardwaj/-

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