

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1567 of 2020

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

Jagarnath Ray @ Jagarnath Kumar Ray @ Jagannath Ray @ Jagarnath
Kumar @ Jagnaath Ray S/o Ram Lolin Ray Resident of Village-Sherpur
Diyara, P.S.-Vidyapatinagar, District-Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Narain Sinha, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 02-12-2020 Heard learned counsel for the appellant and learned
Spl.P.P. for the State through video conferencing.

The instant appeal has been preferred against the order dated 6.3.2020 passed by the learned Special Judge, SC/ST Act, Samastipur whereby the prayer for bail of the appellant in connection with Vidyapatinagar P.S. Case No.72 of 2019 registered under sections 302 and 34 of the Indian Penal Code, section 27 of the Arms Act and section 3(i)(r)(s) and section 3(ii)(va) of the SC/ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R., while the informant and the members of her family were sleeping, it is stated that accused persons including the appellant herein came variously



armed and started to assault her husband with *Lathi* etc. It is further stated that Rabin Rai fired with his pistol hitting the informant's husband in his leg. The informant's husband was taken for treatment from where he was referred for better treatment but on reaching the Sadar Hospital he was declared dead by the doctor.

It is submitted by learned counsel for the appellant that the allegations against the appellant are false and concocted. It is further submitted that even from perusal of the F.I.R. the specific overt act of firing is on Rabin Rai and not the appellant herein. The appellant is in custody since 13.1.2020 and has no criminal antecedent.

The appeal is opposed by learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellant, the appellant being in custody since 13.1.2020, the investigation in the case having concluded and the specific overt act of firing having been alleged on Rabin Rai and not the appellant herein and the appellant having no criminal antecedent, the Court is inclined to allow the appeal. The appeal is allowed and the order dated



6.3.2020 passed by the learned Special Judge, SC/ST Act, Samastipur, is set aside.

The appellant is directed to be enlarged on bail in connection with Vidyapatnagar P.S. Case No.72 of 2019 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.

(Partha Sarthy, J)

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