

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1630 of 2020

Arising Out of PS. Case No.-149 Year-2020 Thana- KHAJANCHI HAT District- Purnia

SONU KUMAR Son of Ravindra Singh Resident of Subhash Nagar, P.S.- K.
Hat (Sahayak), District - Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dr.Amrendra Kumar
	:	Mr.Sanjeet Kumar
	:	Mr.Sanjeev Kumar
	:	Ms.Sanjana
	:	Mr.Setu Prateek
For the Respondent/s	:	Mrs.Usha Kumari No.1 (SPL. P.P.)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 04-12-2020 Heard learned counsel for the parties.

This appeal under Section 14A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 has been filed challenging an order dated 29.04.2020 passed by learned Court of 1st Addl. Session Judge-cum-Special Judge (SC/ST), Purnea in connection with Special SC/ST Act 37 of 2020 arising out of K. Hat (Sahayak) P.S. Case No. 149 of 2020 registered for the offence punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act & 3(2) (v) SC/ST Act whereby the appellant's application for regular bail has been rejected.

The widow of the deceased in her *fardbeyan*



disclosed that her husband had gone to play *holi* with his friends including this appellant. He however did not return and subsequently she received an information from the Director of an Institution, where the deceased worked, that he had been shot at in the house of co-accused Manish Rai. When she reached the house of Manish Rai, on receiving the information, she found presence of blood in the house and was told by the local persons that her husband had been taken to Sadar Hospital for treatment. When she reached Sadar Hospital, she found the body of the deceased in pool of blood and was declared dead.

The appellant was apprehended and his statement was recorded under Section 161 of the Cr.P.C. before the police. He accepted his presence at the place of occurrence but told to police that co-accused Hemant Kumar had shot at the deceased whereafter the appellant along with other co-accused had taken the deceased to hospital and fled away thereafter.

Learned counsel appearing on behalf of the appellant has submitted that even as per the confessional statement of the appellant recorded by the police, no offence under Section 302 of the I.P.C. is made out against the appellant and at the best he can be described as the best witness of the occurrence.

I have carefully perused the case diary. The appellant



has admitted his presence at the place of occurrence. He has further disclosed to the police that he had thrown the mobile phone of Chotu Paswan (deceased) in a bush near the house of co-accused Manish Rai and after leaving the deceased in the hospital, he along with the co-accused had fled away. On the basis of his confessional statement to the aforesaid effect the vehicle used by the appellant was seized by the police.

Considering the gravity of the offence and the materials available in the case diary, collected in course of investigation, I do not find any illegality in the impugned order whereby learned Court below has rejected the appellant's prayer for regular bail. This appeal has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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