

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4571 of 2019

Arising Out of PS. Case No.-218 Year-2018 Thana- HAJIPUR District- Vaishali

Prince Kumar, Son of Nand Kishore Singh, Resident of Village - Husena
Khurd, P.S.- Garaul, District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL JUDGMENT

Date : 22-05-2020

Heard learned counsel for the appellant and the learned
counsel 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 23.08.2019 passed in Hajipur
Town P.S. Case No. 218 of 2018, registered under Sections 302,
353, 224 and 120B/34, Section 27 of the Arms Act and Sections
3(2)3(2)(va) Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act, whereby and whereunder the learned Ist
Additional Sessions Judge – cum-Special Judge, SC/St (POA) Act,
Vaishali at Hajipur, rejected the prayer for grant of bail of the
appellant.



The persecution case, in brief, is that on 03.04.2018, at about 9 P.M., Prince Kumar (appellant) was produced from *Hajat* in the court of Juvenile Justice Board, in connection with Patepur P.S. Case No. 71 of 2016 by Hawaldar, Ram Ekbal Ravidas. When Ram Ekbal Ravidas was returning from the court of Juvenile Justice Board then near the stair three unknown miscreants started firing making attempt to set free to Prince Kumar (appellant). At that time, scuffle started in between the miscreants and Ram Ekbal Ravidas. In the meantime, Prince Kumar (appellant) took pistol from one miscreant and fired at Hawaldar, Ram Ekbal Ravidas and fled away. While Hawaldar, Ram Ekbal Ravidas was rushed to the Sadar Hospital, Hajipur, but he was declared dead.

Learned counsel for the appellant submits that while the informant and the witnesses in paragraphs 12, 13 and 14 of the case diary, have claimed to be eye witness of the occurrence but they were not present at the time of occurrence rather they reached on hearing the sound of firing at the place of occurrence. Further submission is that in the present case, petitioner is in custody since 07.04.2018.

The informant and the witnesses, whose statement, as detailed in paragraphs 12, 13 and 14 of the case diary, have



supported the prosecution case making allegation of firing by the petitioner at the deceased Hawaldar, Ram Ekbal Ravidas. The postmortem report as detailed in paragraph 115 of the case diary indicates that the deceased died due to firearm injury.

Having considered the facts and circumstances of the case and the nature of allegation against the appellant, the impugned order dated 23.08.2019 passed in Hajipur Town P.S. Case No. 218 of 2018 is hereby affirmed and the prayer for bail of the appellant stands rejected. Accordingly, this appeal is dismissed.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.05.2020
Transmission Date	23.05.2020

