

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5482 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- PAKARIBARAW District- Nawada

BABNA @ SURENDRA YADAV S/o Prasadi Yadav R/o village- Morma,
P.S.- Roh, District- Nawada

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Arun Kumar Arun, Adv
	:	Mr.Santosh Kumar Jha-1, Adv
For the Respondent/s	:	Mrs.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 17-02-2020

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 25.09.2019 in Spl (H)Case No.16 of 2019 corresponding to B.P. No.2269 of 2019 arising out of Pakaribarawan P.S.Case No.29 of 2019 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge (S.C./S.T. Act), Nawada, registered under Sections 302,201,34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Two eye witnesses including the informant



stated before the police that the appellant had caused firearm injury to Saryu Ram and thereafter Saryu Ram was dragged towards the field side where his head was chopped off to screen the identity of the deceased.

Learned counsel for the appellant submits that the Doctor has not found any firearm injury on the person of the deceased which would be evident from the postmortem report.

If the Doctor has not specifically mentioned about the firearm injury though it is mentioned that the multiple bruises of different size was noticed at the anterior part of the chest, the eye witnesses cannot be disbelieved at this stage, hence, I am not inclined to enlarge the appellant on bail. Prayer is refused.

Learned Trial Court is directed to expedite the trial.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

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