

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.427 of 2021

Arising Out of PS. Case No.-249 Year-2020 Thana- BIKRAMGANJ District- Rohtas

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Rikki Choudhary @ Rikki Kumar Choudhary @ Bajrang Choudhary Son of
Ram Kishun Choudhary Resident of Village - Badaki Salimpur, P.S.-
Audyogik Kshetra, Distt.- Buxar.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Lalan Kumar, Adv.
For the State : Mr. Binay Krishna Spl PP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-03-2021 Heard learned counsel for appellant and learned Spl. PP
for the State.

Learned counsel for the appellant is expected to honor his
undertaking given in the instant case for depositing the requisite
court fee and to remove the defects as pointed out by office
when called upon.

The appellant has preferred the present appeal under
Section 14A(2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act,1989 against the refusal of prayer
for regular bail vide order dated 29.09.2020 passed by learned
Additional District and Sessions Judge-1st, Rohtas Sasaram in
Bikramganj PS. Case No. 249 of 2020, Reg. No 149 of 2020
registered under Sections 147,148,149 and 302/34 of the Indian
Penal Code, Sections 25(1-b)a, 26/35/27 of the Arms Act and
Sections 3(i) (r) (v) of the SC/ST Act.

The informant has alleged that his brother has been
accosted by all the accused persons including the appellant.
On fleeing away he has been shot at leading to his death.



The learned counsel for the appellant has submitted that even as per prosecution case, specific firearm injury is attributed against co-accused Pintu Yadav, Pawan Kumar Singh and Rakesh Kumar. The appellant who happens to be their relatives have been roped into this case on extraneous consideration. Having no criminal antecedents the appellant is in custody since 17.06.2020.

The learned Spl. PP has opposed the prayer for bail.

Considering the rival submissions, this appeal is allowed. The impugned order dated 29.09.2020 passed by learned Additional District and Sessions Judge-1st, Sasaram, Rohtas in Bikramganj PS. Case No. 249 of 2020, Reg. No 149 of 2020, is set aside. Let the appellant, above named, be released on bail 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 Additional District and Sessions Judge-1st, Sasaram Rohtas in Bikramganj PS. Case No. 249 of 2020, Reg. No 149 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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