

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4246 of 2021

Arising Out of PS. Case No.-336 Year-2019 Thana- PATNA CITY CHOWK District- Patna

HEMANT RAJ @ HEMANT KUMAR Son of Suraj Prasad Resident of
Mohalla - Murcha Road, Punjab National Bank, Police Station - Chowk and
District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2

For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-12-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 19.04.2021, passed by
learned Additional District and Sessions Judge-III-cum- Special
Judge (SC/ST), Patna in connection with Special Case No.502
of 2019 arising out of Chowk P.S. Case No. 336 of 2019,
registered under sections 302 and 34 of the IPC, Section 27 of
the Arms Act and Sections 3 (2) of the SC and ST Act.

Allegation against the appellant is that he along with 4-5
persons started firing on the son of the informant when he
reached near Ghoda Gali. It is alleged that son of the informant



received two gun shot injury resultantly he died.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any such offence. He submits that there is general and omnibus allegation against the appellant. The appellant has one criminal antecedent and he is languishing in custody since 22.11.2019.

Learned Spl. PP for the State opposed the prayer for bail and submits that there is specific allegation against the appellant of firing upon the deceased.

Considering the facts and circumstance of the case and the gravity of the offence, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer for bail is rejected in connection with Special Case No. 502 of 2019 arising out of Chowk P.S. Case No. 336 of 2019 pending before the court of the learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST, Patna.

(Anjani Kumar Sharan, J)

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