

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.848 of 2021**

Arising Out of PS. Case No.-136 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

VINOD SAHNI @ VINOD KUMAR Son of Dewari Sahni @ Devari Sahni
Resident of Village- Ismailpur, P.S.- Hajipur Sadar, District- Vaishali.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Pranav Kumar Jha, Advocate
For the Respondent/s	:	Mr. Shailendra Kumar, Special PP
For the Informant	:	Mr. Ravish Mishra, Advocate Ms. Keertika Sakshi, Advocate

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 17-04-2021

In view of sudden surge of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the appellant and the learned Special P.P. for the State as also the learned Counsel for the informant.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for regular bail, vide order dated 1.10.2020 passed by the learned Additional Sessions Judge Ist -cum- Special Judge, SC/ST Act, Vaishali, in connection with Hajipur Sadar P.S. Case No. 136 of 2020 instituted for the offence under Sections 302/34 of the Indian Penal Code, and Section 3(2)(v)(a) of the SC/ST Act, and also for setting



aside the aforesaid order dated 01.10.2020.

Cousin brother of the informant had gone to witness a “Mela” along with Indal Kumar, Chunchun Kumar, Ghuntun Paswan and Garibnath. The story is that from the Mela the informant left because he remembered some unfinished work. They boarded him on the boat which was being plied by the appellant. Appellant’s implication is on the ground that for some dispute regarding fair the victim has been done to death by the appellant.

Learned Counsel for the appellant submits that the victim had left his home with the aforesaid four persons but surprisingly they have not been named as accused in this case. Appellant’s name has been stated by these four persons, with whom the victim was last seen. Such exculpatory statement cannot be made the basis of the appellant’s implication. Other than these four persons, none has come forward to support the fact that the victim boarded the boat, which was being plied by the appellant. It is further submitted that in this case several persons have stated the fact that the appellant was not in the occupation of plying the boat but he was a motorcycle mechanic having a repairing shop.

Learned Counsel for the informant and the Special P.P. have opposed the prayer for bail. They have submitted that persons, with him the victim had gone, have clearly named the appellant in the FIR as well as during investigation. It is further submitted that the victim has been brutally done to death as there are several injuries on his person.

Considering the rival submissions, this Court is inclined to allow appellant’s prayer for bail.

Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st -cum- Special Judge, SC/ST Act, Vaishali, in connection with Hajipur Sadar P.S. Case No. 136 of



2020.

In the result, the appeal is allowed and the impugned order dated 1.10.2020 is set aside.

(Madhuresh Prasad, J)

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