

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.928 of 2021

Arising Out of PS. Case No.-1 Year-2017 Thana- VIDYAPATINAGAR District- Samastipur

GOPAL RAY @ ANRAH @ ANRA Son of Ramchandra Ray Resident of
Village- Pipra Dewas, P.S.- Barauni, District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj Kumar

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-03-2021 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to remove the defects, as pointed out by the office, within four weeks of normal functioning of the Court. In the eventuality of non removal of the defects within the undertaken period, the office is directed to place the matter before the Bench.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 04.11.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Samastipur in connection with Vidyapati Nagar P.S. Case No.1 of 2017



registered under Sections 302, 109 & 120B/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to have shot dead the husband of the informant in association of other accused.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case on the confessional statement of co-accused. Appellant is not named in the F.I.R. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant's name transpired in this case for the first time after nine months of the alleged occurrence in the confessional statement of co-accused Kanhaiya Ram, which has no evidentiary value in the eye of law. Appellant has been languishing in custody since 22.09.2020.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Samastipur in connection with Vidyapati Nagar P.S. Case No.1 of 2017,

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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