

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.290 of 2024

Arising Out of PS. Case No.-466 Year-2019 Thana- NAGAR District- Vaishali

RAHUL KUMAR @ FIROZ ANSARI @ FIROZ MASURI, Son of Md. Yusuf, Resident of Village- Chakabhikhkhi, P.S. - Maniyari, District- Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravish Mishra, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 11-09-2024 Heard Mr. Ravish Mishra, learned Advocate for the appellant and the learned Spl. PP for the State.

2. The present appeal under Section 14-A (2) of the Scheduled Castes/Scheduled Tribes, Prevention of Atrocities Act, (hereinafter referred to as ‘SC/ST Act’) has been preferred against the order dated 04.10.2023 passed by learned Exclusive Special Court, SC/ST Act, Hajipur, Vaishali in connection with Hajipur Town P.S. case no. 466 of 2019 registered for the offences punishable under Sections 186, 341, 324, 326, 307, 332, 333, 353, 120B/34 of the Indian Penal Code, Section 25(1-b)a, 25, 27 and 35 of the Arms Act and Sections 3(i)(r)(s) 3(ii)(v) of the SC/ST Act, whereby the prayer for grant of regular bail of the appellant has been rejected.



3. Based upon the written report, the prosecution alleges that on 23.05.2019 in course of producing under trial prisoner in the Court of ACJM-III, Vaishali at Hajipur, some unknown miscreants resorted to firing, resultantly injury to one prisoner and two police personnel.

4. Learned Advocate for the appellant contended that the appellant is not named in the F.I.R. However, during the course of investigation, his name transpired in the confessional statement of Kunal Kumar Singh. However, Kunal Kumar Singh has already been granted bail by learned co-ordinate bench of this Court in Cr. Appeal (SJ) No.4708 of 2019, the copy of which is marked as Annexure-2. It is next contended that identical co-accused person, whose name has also been transpired in the confessional statement, his appeal has also been allowed by this Court vide order dated 20.10.2022 passed in Cr. Appeal (SJ) No. 3150 of 2021, the copy of which is produced before this Court and the same is taken on record. It is further contended that be that as it may, now the appellant is in custody since 12.09.2023 and the investigation of the crime is complete and charge-sheet has been submitted.

5. On the other hand, leaned Spl. P.P. for the State vehemently opposes the bail application and submits that the



manner in which the crime has taken, it appears that it executed in a well planned manner and the complicity of the appellant has surfaced in the confessional statement of co-accused.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that co-accused persons, having identical allegation, have already been allowed the privilege of bail by this Court as well as by the learned coordinate Bench of this Court, moreover, the entire case is based on confessional statement and there is no other cogent material.

7. Let the appellant, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned learned Exclusive Special Court, SC/ST Act, Hajipur, Vaishali in connection with Hajipur Town P.S. case no. 466 of 2019, subject to the condition that one of the bailors will be the close relatives of the appellant with further conditions which are as follows:-

(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the appellant and in case, at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the appellant. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

8. In view thereof, the impugned order dated 04.10.2023, passed by the learned Exclusive Special Court, SC/ST Act, Hajipur, Vaishali in Hajipur Town P.S. case no. 466 of 2019, is set aside and the present appeal stands allowed.

(Harish Kumar, J)

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