

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.933 of 2016

Arising Out of PS.Case No. -155 Year- 2016 Thana -BAHERI District- DARBHANGA

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1. Jainandan Mukhia @ Baua Mukhiya s/o Late Mushan Mukhiya resident
of Village - Jorja, Police Station - Baheri, District - Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrigendra Pratap Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 23-11-2016 The appellant is aggrieved by an order, dated 22.09.2016 passed by learned First Additional Sessions Judge, Darbhanga in B.P. No. 678 of 2016, whereby he has rejected the appellant's application for grant of regular bail in connection with Baheri P. S. Case No. 155 of 2016 registered for the offences punishable under Sections 147, 148,149,341,323,504, 324,307, 379, 120B of the Indian Penal Code, 27 of the Arms Act and Section 3(1) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The appellant is in custody since 20.08.2016. The present appeal has been preferred under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



3. Learned counsel for the appellant has said that there is no allegation against the appellant of taking caste name of the informant in the First Information Report. There are 19 persons named in the First Information Report. So far this appellant is concerned, the allegation against him is of assaulting Avinash Kumar Singh. Referring to the injury report of Avinash Kumar Singh, learned counsel for the appellant has submitted that no grievous injury has been found on the person of the said Avinash Kumar Singh. It is specifically submitted on behalf of the appellant that he has no criminal antecedent and if granted privilege of regular bail, there is no likelihood that he would be fleeing from the course of trial.

4. It has been submitted that the appellant has no criminal antecedent at all.

5. Considering the above submission and the nature of allegation made in the First Information Report, I am of the view that the learned Court below ought to have exercised its discretion in favour of the appellant while allowing him to go on bail.

6. This appeal is allowed. The order dated 22.09.2016 passed by the learned First Additional Sessions Judge, Darbhanga is set aside.

7. 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 First Additional Sessions Judge, Darbhanga in Baheri P. S. Case No. 155 of 2016.

8. This is subject to the condition that the appellant shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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