

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.929 of 2016

Arising Out of PS.Case No. -33 Year- 2016 Thana -DANDARI District- BEGUSARAI

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1. Rajiv Kumar Sharma S/o Rajendra Sharma R/o Village - Rajopur, PS-Dandari, District- Begusdarai.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anit Narayan

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 06-12-2016 The appellant is an accused in Dandari P.S. Case No. 33 of 2016 registered for the offences punishable under Sections 376/511 of the Indian Penal Code, Section 25 (1-b)/A/26 of the Arms Act and Section 3(xi) (xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. His application for bail has been rejected by the learned Special Judge- SC/ST Act, Begusarai by an order dated 26.07.2016. This appeal has been preferred under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel appearing on behalf of the appellant has submitted that on the basis of what has been alleged in the First Information Report, no offence under Section 376 of the Indian Penal Code is made out. Learned



counsel for the appellant has further submitted that the appellant has no criminal antecedent and if granted privilege of regular bail, there would no chance of interfering with the investigation since the investigation is complete. It has also been submitted that the appellant shall present himself before the trial Court as and when required, if granted regular bail.

Considering the above submission, I am of the view that the order passed by the learned Court below needs interference. Accordingly, the order dated 26.07.2016 passed by the learned Special Judge-SC/ST Act, Begusarai is set aside. This application is, thus, allowed.

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 Sri Raj Kumar, Special Judge-SC/ST Act, Begusarai in connection with Dandari P.S. Case No. 33 of 2016.

(Chakradhari Sharan Singh, J)

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