

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.854 of 2016

Arising Out of PS.Case No. -436 Year- 2016 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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1. Dasrath Ram son of Manchandra Ram Resident of Village-Dumari, P.S.-Sadar,
District-Muzaffarpur

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL JUDGMENT

Date: 22-12-2016

Heard learned counsel for the appellant as well as
learned Special Public Prosecutor, appearing for the State of Bihar
(respondent).

This Cr. Appeal filed u/S 14-A(2) of SC/ST (Prevention of
Atrocities) Amendment Act, is preferred against the order dated 19-
09-2016 passed by learned 3rd Additional Sessions Judge-cum-Special
Judge, SC & ST Act, Muzaffarpur by which, he refused to enlarge the
appellant on bail, who has been made accused in G.R. No. 121 of
2016 arising out of Muzaffarpur Sadar P.S. Case No. 436 of 2016 for
the offences u/S 326, 325, 307, 302, 120(B) & other minor sections of
the Indian Penal Code and Sections-3(i)(x) SC/ST (Prevention of
Atrocities) Act.



The deceased and one injured namely, Laxman Rai were, mercilessly, assaulted on account of a minor accident and the informant lodged the present case against 18 named persons but in course of investigation, the statement of injured Laxman Rai was recorded at paragraph-56 of the case diary and the aforesaid witness stated the name of the appellant.

No doubt, the aforesaid witness named the appellant as one of the assailants but, no specific overt act has been attributed against the appellant. Moreover, the appellant is in judicial custody since 20-08-2016 and the investigation, against him has already been completed. It is also not out of place to mention here that the alleged occurrence took place due to minor accident and not, because of caste of the deceased and the injured.

Considering the above-said facts and circumstances of the case as well as submission of the parties, this Cr. Appeal is allowed and the impugned order dated 19-09-2016 passed by learned 3rd Additional Sessions Judge-cum-Special Judge, SC & ST Act, Muzaffarpur is set aside, in respect of the appellant only.

In the result, the appellant named above, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with G.R. No. 121 of 2016 arising out of Muzaffarpur Sadar P.S. Case No. 436 of



2016 to the satisfaction of learned 3rd Additional Sessions Judge-
cum-Special Judge, SC & ST Act/concerned court, Muzaffarpur.

(Hemant Kumar Srivastava, J)

A.K.V./-

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