

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.817 of 2016

Arising Out of PS.Case No. -229 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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Bijay Chaurasia S/o Late Shambhu Cahurasia, resident of Village- Shobhani, P.S.-
Khagaria (Gangaur), District- Khagaria.

..... Appellant/s

Versus

The State of Bihar

..... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjeet Kr. Singh, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. P.P. (SC/ST) Act

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

Date: 09-11-2016

This appeal has been preferred under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Amendment Act, 2015 against the order, dated 28.07.2016, passed by learned Sessions Judge, Khagaria in Bail Petition No. 663 of 2016 arising out of Khagaria (Gangaur) P.S. Case No. 229 of 2016, G.R. No. 741 of 2016 registered for the offences punishable under Sections 341, 323, 325, 307, 504 and 506 of the Indian Penal Code and Section 3 (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989.

2. It transpires from the First Information Report that the occurrence had taken place when the sons of the informant were

playing in a field. Allegedly, the appellant came there and started beating them up with lathi. The appellant is also said to have called the informant by his caste name.

3. The appellant was taken into custody on 04.07.2016. His application seeking regular bail came to be rejected by the impugned order dated 28.07.2016.

4 . Learned counsel appearing on behalf of the appellant has submitted that he has no criminal antecedent and there is no chance that he will flee from the course of justice if granted regular bail. According to him, these aspects ought to have been taken into consideration by the court below, which the court below has failed to do.

5. Since the appellant is in custody since 04.07.2016 and there is no apparent reason to believe that he will flee from the course of trial, this appeal is allowed.

6. The impugned order dated 28.07.2016, passed by learned Sessions Judge, Khagaria in Bail Petition No. 663 of 2016 is, hereby, set aside.

8. Let the appellant, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief

Judicial Magistrate, Khagaria in connection with Khagaria (Gangaur)
P.S. Case No. 229 of 2016, G.R. No. 741 of 2016.

(Chakradhari Sharan Singh, J)

Vats/-c

AFR/NAFR	NAFR
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