

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.835 of 2016

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

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1. Golu Kumar S/o Niranjan Prasad Singh
2. Renu Devi W/o Niranjan Prasad Singh Both are 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. Gajendra Kumar 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 present appeal filed under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred against the order, dated 19.09.2016 passed by learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST), Muzaffarpur in Sadar P.S. Case No. 436 of 2016 (G.R. No. 121 of 2016) registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 342, 325, 326, 337, 307, 379, 302, 120B of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby learned 3rd Additional Sessions Judge-Cum-Special Judge, Muzaffarpur has rejected the application of these appellants for grant of regular bail.

2. The appellants are in custody since 11.08.2016.

3. Learned counsel appearing on behalf of the appellants has submitted that appellant No.2 is mother of appellant No.1. There are altogether 18 persons, who have been named in the First Information Report. Most of them belong to Scheduled Castes. So far as these appellants are concerned, the only allegation is that they called the Santosh Choudhary by taking his caste name. He has submitted that though there is allegation of assault against other persons, no such allegation against these appellants. According to him, it was a fit case where the Court below ought to have granted regular bail and the learned Court below, according to him, has wrongly refused to exercise its discretion in favour of the appellants.

4. Learned counsel appearing on behalf of the appellants appears to be right in his submission.

5. Considering the nature of accusation against these appellants, in my view, the appellants deserve to be released on regular bail. Now since they have already remained in judicial custody for more than three months during investigation and charge-sheet must have been filed, no useful purpose would be served if they are allowed to remain in custody any further.

6. Considering the above, this application is

allowed. The order dated 19.09.2016 passed by learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST), Muzaffarpur in Sadar P. S. Case No. 436 of 2016 is set aside.

7. Let the appellants above named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST), Muzaffarpur in Sadar P. S. Case No. 436 of 2016.

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

(Chakradhari Sharan Singh, J)

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