

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1112 of 2017

Arising Out of PS.Case No. -5 Year- 2016 Thana -PIPRA District- PATNA

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Dara Mahato, son of Ram Balak Mahato, resident of Village-Kewara, P.S.
Punpun, District-Patna.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr.Surendra Kumar Singh with
Mr. Prabhat Kumar Singh, Advocates

For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 23-06-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order dated 20.3.2017 passed by Special Judge, SC/ST Act, Patna in B.P. No. 327 of 2017, arising out of Pipra P.S.Case No. 5 of 2016 registered for the offences under Sections 364, 302, 379/34 of the Indian Penal Code and 3(ii)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for grant of bail.

Appellant is not named in the FIR and his name transpires during course of investigation.

It has been submitted on behalf of the appellant that though some paragraphs of the case diary have been referred in the impugned order but appellant has not been named in the same and



later on in paragraph-64 of the case diary brother of the deceased has come after two months and he has disclosed the name of the appellant, who is not an eye-witness and he has named the appellant only on suspicion and appellant is in jail for about six months.

Learned Special P.P. could not controvert the above submission.

Having heard both sides and in view of facts and circumstances, as stated above, let the appellant, named above, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Special Judge, SC/ST Act, Patna, in connection with Pipra P.S.Case No. 5 of 2016.

The appeal is allowed and the impugned order is set aside.

(Vinod Kumar Sinha, J)

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