

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3075 of 2017

Arising Out of PS.Case No. -105 Year- 2017 Thana -KANTITHARMAL POWER District -
MUZAFFARPUR

=====

Shambhu Rai, Son of Musaphir Rai, Resident of Village-Jhakhara, P.S.-
Karja, District-Muzaffarpur.

.... Appellant

Versus

The State of Bihar

.... Respondent

=====

Appearance :

For the Appellant/s : Mr. Alok Kumar Alok, Adv.

For the Respondent/s : Mr. Sri Sadanand Paswan SPP.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 19-12-2017

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by the learned 10th Additional Sessions Judge-cum-Special Judge, S.C./S.T. Act, Muzaffarpur, in connection with Kanti Police Station Case No.105 of 2017 registered under Sections 323,341,302/34 of the Indian Penal Code and Section 27 of Arms Act as well as Section 3(i) (R) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the appellant and co-accused, Birendra Rai are alleged to have made indiscriminate firing on Lalan Kumar from their respective pistol causing injury at his chest and death. The postmortem report would reveal that the



Doctor has found single wound of entry and single wound of exit.

Learned counsel for the informant opposed the prayer for bail.

Considering the fact that it is difficult to attribute as to which out of two co-accused had caused fatal and single injury to the deceased.

Hence at the pre-trial stage, there is no need to detain the appellant in custody, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Kanti Police Station Case No.105 of 2017, with condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

U		T	
---	--	---	--

