

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3520 of 2017

Arising Out of PS.Case No. -98 Year- 2017 Thana -GURARU District- GAYA

=====

1. MIRTUNJAY KUMAR, Son of Nageshwar Singh, Resident of Village-
Manjhiyama, P.S.- Konch, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Kalyan Shankar

For the Respondent/s : Smt Usha Kumari No-1

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 21-12-2017

Heard learned counsel for the parties.

This is an appeal under Section 14(2)(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail by the learned Special Judge (S.C./S.T.), Gaya in Guraru P.S. Case No. 98 of 2017 registered under Sections 452, 323, 341, 382, 504 and 506 of the Indian Penal Code as well as Section 3(i)(r)(s) of the SC/ST Act.

The allegation against the appellant is of abusing the informant, who is said to be Nazir of the Circle Officer’s Office, by taking caste name.

Submission of the learned counsel for the appellant is that falsity of the case will appear from the fact that he has alleged in the FIR that he had given a petition to this effect to the Circle



Officer for forwarding the same to the I.O. but the statement of the C.O. is available on the record as Annexure-2 in which he has stated that no such application had been given to him. Further submission is that the informant is in the habit of lodging such type of application, earlier also he had lodged a case on one Shilbhadra Kumar and in that case this appellant is one of the witnesses.

Hence, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case, subject to the condition that the appellant shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this application stands allowed.

(Birendra Kumar, J)

Kundan/-

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

