

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1392 of 2017

Arising Out of PS.Case No. -268 Year- 2015 Thana -CHAPRA MUFFASIL District- SARAN

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Raja Kumar @ Raja Sharma @ Raja, Son of Prayag Sharma, Resident of
Village- Manepur, Ghani Basti, Police Station- Dighwara, District- Saran.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravi Bhushan Prasad Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 25-07-2017 The appellant seeks bail in connection with Chapra Muffasil P.S. Case No. 268 of 2015 registered for offences punishable under sections 302, 379/34 of the Indian Penal Code and Section 3(2)(v) of the SC/ST (POA) Act.

Allegation against the appellant is that appellant and co-accused Gudu called the brother of the informant and talked among them, in the meantime co-accused Guddu took out knife from his pocket and gave knife blow in the chest of brother of the informant and appellant Raja Kumar took out his golden chain and mobile phone of his brother. The informant brought his injured brother to the Hospital where he was declared dead.

Learned counsel for the appellant submitted that the appellant is innocent and has been falsely been implicated in this



case. There is no allegation of inflicting knife blow in the chest of deceased against the petitioner. As such no case U/s 3(2)(v) of the SC/ST (POA) Act is made out and other sections are not attracted against this appellant. The appellant has been in custody for about seven months.

Heard learned Special P.P. also.

Having heard both sides and considering the aforementioned facts and circumstances, this appeal is allowed, let appellant above named be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Chapra (Saran), in connection with Chapra Muffasil P.S. Case No. 268 of 2015, subject to the following conditions:-

(i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.

(ii) The appellant will not adduce any witness or tamper with the evidence.

(iii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the Court and on the event of failure on his part to appear before the Court below on two consecutive dates without showing any



genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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