

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2917 of 2017

Arising Out of PS.Case No. -123 Year- 2016 Thana -MARKAHI District- KHAGARIA

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1. Jhapat Singh, S/o Late Bhagwat Singh,
2. Awadhesh Singh, S/o Maheshwari Singh, Both are Resident of Village-
Khairidih, P.S.- Morkahi, District- Khagaria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-11-2017

Heard learned counsel for the appellants.

This appeal has been filed for grant of bail in connection with Morkahi P.S. Case No. 123 of 2016, registered for the offences punishable under Sections 147, 149, 341, 323, 302 of the Indian Penal Code and Section 3(1)(R) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 11.09.2017 passed by the Additional Sessions Judge 1st Khagaria.

Allegation against the appellants and other accused persons is of abusing by taking caste name and also assaulting the deceased causing his death.

Submission of learned counsel for the appellants is that no specific allegation has been attributed against them and



furthermore, the post mortem shows that there is no external and internal injury on the person of the deceased. They are in custody since 29.08.2017. Charge-sheet has been submitted in this case.

Heard learned Special P.P. also.

Having heard both sides and in view of facts and circumstances, as stated above, appeal is allowed and impugned order is set aside. Let the appellants, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge 1st Khagaria in connection with Morkahi P.S. Case No. 123 of 2016, subject to the conditions as follows:

- (1) One of the bailors shall be a local person having sufficient immovable properties within the jurisdiction of the court concerned.
- (2) The appellants shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on



two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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