

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3153 of 2017

Arising Out of PS.Case No. -105 Year- 2017 Thana -TATARPUR District- BHAGALPUR

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1. Raju Rai & Anr son OF Late Bijay Rai
2. Chunchun Rai @ Ajay Rai @ Arjun Rai, son of Bahiru Rai @ Kisun Ray
Both are residents of Mohall golaghat, P.S. Tatarpur, District Bhagalpur
..... Appellant/s

Versus

The State of Bihar

..... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjan Kumar Jha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-11-2017 Heard the parties.

The appellants seek regular bail in connection with Tatarpur P.S.Case No.105 of 2017 arising out of Tatarpur P.S.Case 105 of 2017 registered for offences punishable under Sections 147, 148, 149,341, 323, 448, 354, 30 and 504 of the Indian Penal Code and Section 3(2)(v) of SC/ST (Prevention of Atrocities Act) Act.

Allegation against the appellants is of chasing the son of the informant and in course of that he fell down in the pond and died.

Submission of the learned counsel for the appellants is that as a matter of fact the deceased had stolen mobiles and when he was chased, he jumped into the pond and thereafter he died. The appellants are in custody for about five months.

Heard learned Special P.P. also.



Having heard both sides in view of the above facts and circumstances, this appeal is allowed.

Let the appellants above named, be released on bail on furnishing bail bonds of Rs.25,000 (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions Judge-II-cum-Special Judge, Bhagalpur in connection with Tatarpur P.S.Case No.105 of 2017 after setting aside order dated 28.8.2017 passed by the learned Addl. District and Sessions Judge-II-cum-Special Judge, Bhagalpur in Tatarpur P.S.Case No.105 of 2017, subject to the following conditions:-

- (i) One of the bailors of the appellants shall be local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellants will not induce any witness or tamper with the evidence.
- (iii) The appellant shall co-operate in the disposal of trial and make themselves available as and when required by the court concerned 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 bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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