

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3253 of 2017

Arising Out of PS.Case No. -269 Year- 2016 Thana -BIRAUL District- DARBHANGA

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Binay Kumar Jha @ Binay Jha, S/o Late Ramawarar Jha, Resident of
Village- Hati, P.S.- Biraul, District- Darbhanga.

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Abhay Kumar Jha
For the Respondent/s : Smt Usha Kumari No-1
For the Informant : Mr. Manish Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-11-2017 Heard learned counsel for the appellant.

This appeal has been filed for grant of bail in connection with SC/ST Case No. 56 of 2016, arising out of Biraul P.S.Case No. 269 of 2016 registered for the offences punishable under Sections 147, 148, 341, 323, 380, 354, 504, 506 of the Indian Penal Code and 3(1)(x)(xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 17.10.2017 passed by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Darbhanga.

Allegation against the appellant is of assault by lathi causing injury to husband of informant.

Submission of learned counsel for the appellant is that earlier report shows that injury was simple in nature but later on



injured was referred to DMCH for better treatment, which issued certificate that injury is grievous. Further submission is that appellant is Deputy Branch Manager of State Bank of India, Ahmadabad and he is in custody since 9.10.2017 and he is ready to abide by any condition that may be imposed on him, if bail is granted and there is no chance of his absconding.

Heard learned Special P.P and learned counsel for the informant. They have opposed the prayer for bail on the ground that grievous injury was caused.

Having heard both sides and considering the facts and circumstances of the case, the appeal is allowed and the impugned order is set aside.

Let appellant, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Darbhanga, in connection with SC/ST Case no. 56 of 2016, arising out of Biraul P.S.Case No. 269 of 2016, subject to the following conditions :-

- (1) One of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of court concerned,



(2) Appellant will co-operate in trial and appear on each and every date in court, failing which his bail bond shall be cancelled.

(Vinod Kumar Sinha, J)

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