

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 769 of 2018

Arising Out of PS.Case No. -122 Year- 2017 Thana -MUSRIGHARARI District- SAMASTIPUR

- =====
1. Kailu Paswan, S/o Late Jagdeo Paswan,
 2. Budhan Das @ Budhan Paswan, S/o Late Ramadhin Das, Both are R/o Vill.- Fatehpur, Murgiya Chak, P.S.- Mushrigharari, District- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Thakur, Advocate
Ms. Babita Kumari, Advocate
Mr. Shashank Shekhar, Advocate
Ms. Swati Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-04-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) 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. Act, Samastipur in Mushrigharari P.S. Case No. 122 of 2017 registered under Sections 302, 201/34 of the Indian Penal Code as well as Section 3(i)(r)(s), 3(2)(va) of the SC/ST Act.

According to FIR, the appellants had taken the husband of the informant on the pretext of playing cards. Subsequently, the informant came to know that during play of the cards, a quarrel started between the players and the appellants



allegedly throttled the husband of the informant to death.

Learned counsel for the appellants submits that there is no eye-witness of the occurrence and post mortem report at Annexure-2 would reveal that the Doctor has not found any external injury on the person of the deceased.

Considering the aforesaid facts, let the appellants, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each 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 appellants 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 appellants.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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