

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.13 of 2018

Arising Out of PS.Case No. -116 Year- 2017 Thana -SRI NAGAR District- MADHEPURA

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Manoj Kumar Jha @ Mantu Jha, Son of Nawal Kishore Jha, Resident of
Village- Ramganj, Police Station- Kumar Khand, District- Madhepura.

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ram Pravesh Nath Tiwari, Adv.

For the Respondent/s : Mr. Sri Sadanand Paswan, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 02-02-2018

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 against the refusal of prayer for bail by the learned A.D.J.-I-cum-Special Judge (S.C./S.T. Act), Madhepura, in connection with Srinagar Police Station Case No.116 of 2017 registered under Sections 341/ 342/ 323/ 324/ 325/ 307/ 302/ 427/ 504/506/34 of the Indian Penal Code and 27 of Arms Act and Section 3(1)(s)/3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, three persons including the appellant fired. However, due to fog, it could not be seen instantly by the informant as to whom the firing had hit.



Subsequently, it revealed that the firing had hit Jagdish Das who died. The postmortem report annexed with this petition would reveal that the single firearm injury was found on the person of the deceased. The case diary would reveal that there is no witness before the police to say as to who had caused single injury.

Considering the aforesaid facts, in my view, the appellant deserves for bail, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Srinagar Police Station Case No.116 of 2017, with condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

Nitesh/-

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