

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.109 of 2018

Arising Out of PS.Case No. -379 Year- 2017 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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1. Sultan Mian, Son of Late Zabzeer Mian, Resident of Village-Ahwar
Sheikh, Churiharwa Tola, P.S.-Majhauria, District-West Champaran

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Aditya Nath Jha, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 09-02-2018

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 Additional Sessions Judge, 1st -cum-Special Judge, Bettiah, West Champaran, in connection with Majhauria Police Station Case No.379 of 2017 registered under Sections 341/323/302/34 of the Indian Penal Code and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Single head injury is cause of death as per post mortem report whereas allegation of commission of assault is against several persons including the appellant.

Submission is that the informant is not an



eyewitness of the occurrence and false implication is there subsequently. No other eyewitness has supported the prosecution allegation.

Considering the fact that F.I.R. does not disclose a case of intentional killing and the medical opinion is not consistent with the prosecution allegation, 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 the aforesaid case, 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.

(Birendra Kumar, J)

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