

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4482 of 2018

Arising Out of PS. Case No.-35 Year-2018 Thana- KALER District- Jehanabad

Bihari Singh @ Nand Kishore Singh, S/o Late Shiv Sharan Singh, Resident of
Village- Hansedih, P.S.- Kaler, District- Arwal.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bhaskar Shankar, Advocate
For the Respondent/s	:	Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 21-12-2018

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 vide order dated 25.10.2018 passed by the learned Additional Sessions Judge-I, Jehanabad, in connection with Kaler Police Station Case No.35 of 2018, registered under Sections 302, 328 of the Indian Penal Code and Section 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant and others had gone to work in the field of the appellant. In the evening, all the workers were served with food and some liquor was also served to them. When the workers returned to their house they started feeling unwell in the evening



and during course of treatment three of them died. The informant had also taken liquor but is alive and the doctor did not find any sign of alcohol on examination of the informant.

Submission is that this may be a case of negligence but certainly not a case of criminal intent. Appellant is in custody since 10.08.2018. Investigation of the case is already complete.

Considering the entire facts, let the appellant, above named, be released on bail **after framing of the charges** 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 trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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