

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.945 of 2018

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

- =====
1. Basukinath Jha son of Ratan Kishore Jha
 2. Gaurav Kumar Jha @ Niranjana Kumar Jha son of Nirmal Kumar Jha
Both residents of village - Ramganj, Police Station - Kumar Khand,
District - Madhepura.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Prवेश Nath Tiwari, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 10-04-2018 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 against the refusal of prayer for anticipatory bail by the learned Special Judge (S.C./S.T. Act), Madhepura, in 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, Section 27 of the Arms Act and Sections 3(i) (s)/3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The allegation of causing fire-arm injury to the deceased who was a member of scheduled caste is against co-



accused Manoj Kumar Jha @ Mantu Jha, Chandra Kishore Jha @ Nunu Jha and Raushan Kumar Jha. There is no allegation against the appellants though they were present with lathi etc. among the mob of 40 to 50 people.

Considering the aforesaid fact, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants 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 appellants.

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

(Birendra Kumar, J)

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