

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4128 of 2018

Arising Out of PS. Case No.-38 Year-2015 Thana- JAMALPUR District- Darbhanga

Sukdev Thakur, Son of Damodar Thakur, Resident of Village- Nawala, P.S.-
Nauhatta, O.P., Darhar, District- Saharsa.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Krishna Kant Singh, Advocate
For the Respondent/s : Smt Usha Kumari No-1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-12-2018

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 anticipatory bail vide order dated 29.08.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Darbhanga, in A.B.P. No.1008 of 2018, arising out of Jamalpur Police Station Case No.38 of 2015, registered under Sections 302/34 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant is not an eyewitness of the occurrence of murder of his father; rather he was informed about the occurrence by one Pawan Paswan.

Submission is that some other co-accused had faced the



trial and acquitted as none of the prosecution witnesses including Pawan Paswan supported the allegation against the named accused persons.

Considering the fact that there is no substantial material against the appellant, let the appellant, above named, in the event of his 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) 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 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 impugned order is set aside and appeal stands allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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