

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.909 of 2018

Arising Out of PS.Case No. -74 Year- 2015 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Naulakh Giri, Son of Late Munshi Giri, Resident of Village-Parsa, Giri tola, P.S.-
Sirisia O.P. (Chanpatia), Dstrict-West Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhay Kumar Singh, Adv.

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 25-04-2018

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 bail by the learned Additional District & Sessions Judge-I-cum-Special Judge, Bettiah, West Champaran, in connection with Chanpatia (Sirisia O.P.) Police Station Case No.74 of 2015 registered under Sections 147,148,149,341,323,324,307,302 of the Indian Penal Code and Section 3(II)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the named accused persons including the appellant came variously armed and assaulted to the son of the informant, as a result whereof, he died.



Learned counsel for the appellant submits that the accusation is general and omnibus. The fact is that the deceased-Bhola Ram had caused firearm injury to Ful Kumari Devi, which resulted in her death and the infuriated villagers caught Bhola Ram and assaulted him, as a result whereof, he died and thereafter, the appellant and others have been falsely implicated. Further submission is that some other co-accused have been allowed anticipatory bail and regular bail by different Coordinate Benches of this Court vide Annexure-3 Series.

Considering the aforesaid facts, 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)

Nitesh/-

AFR/NAFR	NAFR
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