

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1423 of 2018

Arising Out of PS.Case No. -42 Year- 2015 Thana -PATORI District- SAMASTIPUR

- =====
1. Manoj Rai,
 2. Pankaj Rai Both are Sons of Ram Prit Rai, Both are R/o Vill.- Dakshini Dumari, P.S.- Patori, District- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail by order dated 22.03.2018 in Trial No. 499 of 2018/227 of 2017 arising out of Patori (Mohanpur) P.S. Case No. 42 of 2015 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Samastipur in connection with the aforesaid case registered under Section 147, 148, 149, 307, 302/34 of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(1)(x), 3(2)(v) of the SC/ST Act.

Allegation against the appellant no. 1 is that he committed firearm injury at the knee of the deceased. There is no allegation of repetition of firing. However, allegation is against other co-



accused to have committed injury with different weapon of cutting and piercing.

It appears that some other co-accused Rajesh Rai @ Rajiv Kumar and Saroj Rai have already been allowed bail by different Coordinate Benches of this Court vide order dated 03.11.2015 and 17.02.2016 passed in Cr. Misc. No. 37092 of 2015 and Cr. Misc. No. 58019 of 2015 (Annexure-2 series). Appellants are in custody since 21.12.2017. Investigation of the case is complete.

Considering the aforesaid fact of this case, let the appellants, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case, subject to the 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 this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	16.07.2018
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