

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2729 of 2018

Arising Out of PS.Case No. -165 Year- 2018 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

- =====
1. Damodar Ray S/o Lal Babu Ray, R/o Vill.- Chakrijgani, P.S.- Sadar (Hajipur),
District- Vaishali.

.... Appellant/s

Versus

1. The State of Bihar.
2. Shivanath Kumar S/o Late Machhu Paswan, R/o Vill.- Chaksakara, P.S.- Sadar
(Hajipur), District- Vaishali.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shashi Shekhar Kumar Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 01-10-2018

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 23.04.2018
passed by the learned Additional Sessions Judge 1st -cum-Special
Judge, Vaishali at Hajipur, in connection with Hajipur Sadar Police
Station Case No.165 of 2018, registered under Sections 302/328/120B
of the Indian Penal Code and Section 3(2)(5) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Father of the informant had gone along with the
appellant and thereafter his dead body was found in the orchard. The



post mortem report would reveal that no external injury was found by the doctor on the person of the deceased and the death was due to vascular distributive shock from unknown abdominal pathology. The case-diary reveals that there is no eyewitness of the occurrence. The appellant is in custody since 17.03.2018. Investigation of the case is already complete.

Considering the entire facts aforesaid, 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 impugned order is set aside and appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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