

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2353 of 2018

Arising Out of PS.Case No. -462 Year- 2016 Thana -KANKARBAGH District- PATNA

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1. Bambam Raut S/o Late Ganga Raut, R/o Mohalla- Lohanipur, Railway Hunder Road, Phulwari at present Gate No.15 (Old), Kankarbagh, P.S.- Kankarbagh, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nilesh Kumar, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 27-08-2018

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 order dated 30.05.2018 in Special Case No.246 of 2016 passed by the learned Special Judge S.C./S.T. Act-cum-Addl. Sessions Judge-V, Patna, in connection with Kankarbagh Police Station Case No.462 of 2016 registered under Sections 302/34 of the Indian Penal Code, Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and 27 of Arms Act.

According to FIR, three persons came on a motorcycle, the two named persons fired at the mother of the informant, in presence of informant, as a result whereof, mother



of the informant died. The appellant was driving the said motorcycle. Appellant is in custody since 22.01.2018.

Submission is of false implication due to previous dispute. Moreover, no overt-act is alleged against the appellant.

Considering the fact that there is no overt-act alleged against the appellant and investigation of the case is complete, 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 both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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