

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2257 of 2018

Arising Out of PS. Case No.-38 Year-2016 Thana- SABAUR District- Bhagalpur

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1. Bitto Singh @ Bittu Singh,
 2. Sitto Singh @ Sittu Singh, Both are sons of Sadanand Singh,
Resident of Village- Khan Kitta, P.S.- Sabour, District-
Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K.Agrawal, Senior Advocate Mr. Pravin Kumar Sinha, Advocate
For the Respondent/s	:	Smt. Usha Kumari No-1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-08-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 09.04.2018 passed by the learned IVth Additional Sessions Judge, Bhagalpur in S.Tr. Case No.207 of 2017 (S.C./S.T.), arising out of Sabour Police Station Case No.38 of 2016 registered under Sections 302/34 of the Indian Penal Code as well as Section 3(II)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Though allegation in the F.I.R. is that appellants and others assaulted to the son of the informant which resulted in his death.



However, submission is that viscera report was perused by a co-ordinate Bench of this Court while considering the prayer for regular bail of co-accused, *Kundan Kumar Pandit* passed in Criminal Appeal (SJ) No.808 of 2017, which revealed that some poisonous substance (*CELPHOS*) was found in the body of the deceased and no external injury was found by the Doctor while performing postmortem examination. Co-accused, *Kundan Kumar Pandit* has already been allowed bail by a co-ordinate Bench of this Court.

Considering the aforesaid facts, 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 bonds of the appellants.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

