

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2208 of 2017

Arising Out of PS. Case No.-63 Year-2016 Thana- SABAUR District- Bhagalpur

Sonu Kumar Son of Sri Nakul Ram resident of Village - Mansarpur, P.S. -
Zero Mile, District - Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjan Kumar Jha

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 31-01-2018 Heard learned counsel for the parties.

The appellant is an accused in a case arising out of Sabour P.S. Case No. 63 of 2016 registered for the offence punishable under Sections 302/120(B)/34 of the IPC, Section 27 of the Arms Act and Section 3(ii) (v) of S.C./S.T. Act. He had applied for regular bail earlier which was rejected by learned 2nd Additional Sessions Judge, Bhagalpur in B.P. Nos. 597/16 and 626/16 by order dated 07.06.2016. The appellant had preferred an appeal under Section 14A(2) of the SC/ST (Prevention of Atrocities) Act, giving rise to Cr. Appeal (SJ) No. 387 of 2016 which was rejected by order dated 18.11.2016.

It transpires that some other persons named in the said Sabour P.S. Case No. 63 of 2016 were released on bail in view



of certain orders passed by this Court in other appeal preferred under the same provision of the SC/ST Act. The appellant accordingly again approached the court below for his release on bail which has been rejected by the impugned order dated 11.07.2017.

The said order dated 11.07.2017 passed by the learned 2nd Additional Sessions Judge-cum-Special Judge, Bhagalpur is being assailed in the present appeal filed under section 14A (2) of the SC/ST (Prevention of Atrocities) Act.

I find substance in the submission of the appellant that his case cannot be distinguished from the case of others who have been allowed to be released on bail by the Court by orders dated 03.07.2017 passed in Cr. Appeal (SJ) No. 1203 of 2017 (Vikky Sharma vs. State of Bihar) and Cr. Appeal (SJ) No. 2168 of 2017 (Md. Ranu @ Md. Rano @ Rannu vs. State of Bihar).

Considering the above, this appeal is allowed. The impugned order dated 11.07.2017 passed by the 2nd Additional Sessions Judge is set aside.

Let the appellant, Sonu Kumar, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd



Additional Sessions Judge-cum-Special Court (SC/ST Act),
Bhagalpur in connection with S.T. No. 672 of 2016 arising out
of Sabour Police Station Case No. 63 of 2016.

This is subject to the condition that the appellant shall
present himself before the court, as and when required and in
the event of failure on his part to appear before the court below
on two consecutive occasions, his bail bond shall be liable to be
cancelled.

(Chakradhari Sharan Singh, J)

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