

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3821 of 2018

Arising Out of PS. Case No.-105 Year-2017 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Kira Rai Son of Sukhdeo Rai, Resident of Village- Bangri, P.S. Kanti,
District-Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Jain, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 03-12-2018

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 28.08.2018 passed by the learned 11th Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Muzaffarpur, in connection with Kanti Police Station Case No. 105 of 2017, registered under Sections 323/341/307/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Subsequently, Section 302 of the I.P.C. was added.

The allegation of firing and commission of fire-arm injury to the son of the informant is against co-accused Sonu Rai and Birendra Rai. In the past, this Court had refused the prayer for bail



to the appellant for the reason that appellant had deliberately suppressed his criminal antecedent in a bail matter vide Cr. APP (SJ) No.2920 of 2017. The prayer was refused on 19.12.2017. The appellant is in custody since 27.08.2017.

Learned counsel for the informant opposed the prayer for bail.

Considering the entire facts especially the period already undergone and the fact that there is no overt-act alleged against the appellant, 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 the bailors shall be resident of the territorial jurisdiction of the Court and 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
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