

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3302 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -SARAI District- VAISHALI(HAJIPUR)

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1. Laxmi Kumar, S/o Pradeep Singh, resident of Village- Bazitpur, P.S.-
Sadar Hajipur, District- Vaishali.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shyameshwar Kumar Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 10-01-2018

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 by the learned Special Judge (S.C./S.T.), Vaishali, Hazipur in Sarai P.S. Case No. 02 of 2017 registered under Sections 147, 148, 149, 341, 324, 307, 452, 380, 436, 504 of the Indian Penal Code as well as Section 3(1)(r)(s) of the SC/ST Act.

Allegation against the appellant is of commission of assault to Santosh Kumar with iron rod on his head.

The Doctor has found incised wound on the occipital region of Santosh Kumar caused by harp cut weapon. The appellant is in custody since 07.08.2017.



Learned counsel for the appellant opposed the prayer for bail on the ground that trial is already going on.

Considering the background that there is no allegation of repetition of blow nor the injury is found consistent with the eye-witness, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) 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 appellant shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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