

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2915 of 2018

Arising Out of PS. Case No.-235 Year-2016 Thana- HISUWA District- Nawada

Arjun Prasad @ Arjun Mahto, Son of Gajadhar Mahto, resident of Sacha ull
P.S. Hisua , District Nawada.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Verma
For the Respondent/s : Smt. Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 09-10-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) 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 anticipatory bail vide order dated 19.07.2018 passed by the learned Additional Sessions Judge-1st, Nawada in A.B.P. No.1039 of 2018, arising out of Hisua Police Station Case No.235 of 2016 registered under Sections 147, 341, 323, 307, 504, 302 of the Indian Penal Code and Sections 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to F.I.R., there is general and omnibus allegation against the named accused persons including, the appellant of commission of assault to the wife of the informant, as a result whereof, she died during course of treatment. The postmortem report would reveal that the Doctor has not found any external injury on the



person of the deceased and the death was due to blood clot arising out of hypertension.

Considering the aforesaid contradictions and general and omnibus nature of allegation as well as statement of the appellant on oath that he has got no criminal antecedent, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned court below where the case is pending in connection with the aforesaid case, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate 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)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

