

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.294 of 2018

Arising Out of PS.Case No. -38 Year- 2015 Thana -JAMALPUR District- DARBHANGA

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1. Dheyani Thakur @ Dhyani Thakur, Son of Bhola Thakur, Resident of
Village- Bhubual, P.S.- Jamalpur, District- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manish Kumar No 13, Adv.

: Mr.Rohit Kumar, Adv.

For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 04-04-2018

Heard learned counsel for the parties.

The appeal is bared by limitation of 46 days.

The delay is explained in the petition under Section 5 of the
Limitation Act vide I.A.No.889 of 2018. Hence, the delay of
filing the appeal is condoned.

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 by
the learned 1st Additional Sessions Judge-cum-Special Judge
(S.C./S.T. Act), Darbhanga, in connection with Sessions Trial
No.258 of 2016 arising out of Jamalpur Police Station Case
No.38 of 2015 registered under Sections 302/34 of the
Indian Penal Code and Section 3(i) (x) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989.



The informant is not an eye witness of the occurrence of murder of his father. However, on the basis of information supplied by Pawan Paswan, he has alleged that the appellant refused to pay the fare to the father of the informant. When the father of the informant insisted for fare, the appellant and others allegedly throttled him to death.

Learned counsel for the appellant submits that the appellant is in custody since 15.03.2016. The trial of the case is still pending.

Considering the nature of allegation and the period already undergone by 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 the appellant shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

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