

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2136 of 2018

Arising Out of PS.Case No. -6 Year- 2018 Thana -GADHPURA District- BEGUSARAI

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1. Suraj Chaudhary, S/o Abhay Chaudhary, Resident of Village - Murraha, Police Station - Hasanpur, District - Samastipur

.... Appellant

Versus

1. The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-07-2018

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 vide order dated 21.05.2018 in Gardhpura P.S. Case No. 06 of 2018 passed by the learned Special Judge S.C./S.T. (POA) Act, Begusarai in connection with the aforesaid case registered under Sections 307, 120B of the Indian Penal Code, Section 27 of the Arms Act as well as Section 3(2)(v) of the SC/ST Act.

The FIR of the occurrence of firing at the informant and of commission of injury to back seater Nawal Kishore is against unknown.

Submission of the learned counsel for the appellant is that witness Jay Jay Ram stated before the police about the past criminal



activity of the appellant and his son and on that basis the appellant has been implicated in this case. If the appellant had committed occurrence of firing against the informant in the past as stated by Jay Jay Ram before the police, there was no reason to not disclose the name of the appellant in the FIR. The appellant is in custody since 17.03.2018. Investigation of the case is complete.

Considering the aforesaid fact, 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/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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