

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1906 of 2018

Arising Out of PS.Case No. -309 Year- 2017 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

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1. Sattar Mian, Son of Bhikhari Mian, Resident of Village- Bagahi Kanutola, P.S.-
Bairiya, District- West Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Aditya Nath Jha, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-07-2018

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 against the refusal of prayer for bail by order dated 05.04.2018 by the learned Additional District and Sessions Judge-1st-cum-Special Judge, Bettiah, West Champaran, in connection with Trial No.39 of 2018 arising out of Bairiya Police Station Case No.309 of 2017 registered under Sections 341,323,504,506 of the Indian Penal Code, later on Section 302 of the Indian Penal Code was also added.

Appellant allegedly assaulted with a bamboo stick to the informant, as a result whereof, the informant died during course of treatment.



Submission of the learned counsel for the appellant is that the postmortem report would reveal that no external injury was found on the person of the deceased nor according to opinion of the Doctor, any injury was cause of death that is why viscera was sent for its scientific examination and report.

Considering the nature of material available, let the appellant, above named, who is in custody since 07.11.2017, 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 bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2018
Transmission Date	10.07.2018

