

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3760 of 2018

Arising Out of PS. Case No.-25 Year-2018 Thana- JANKINAGAR District- Purnia

1. Md. Ajmer S/o Md. Yusuf, R/o Vill.- Binowagram, P.S.-
Jankinagar, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Uday Singh

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-11-2018

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 18.04.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Purnea in Special SC/ST (POA) Case No.38 of 2018, arising out of Jankinagar Police Station Case No.25 of 2018 registered under Sections 302, 120B of the Indian Penal Code as well as Section 27 of the Arms Act and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to F.I.R., co-accused, Md. Mojib and Amrendra Yadav allegedly fired at the deceased, as a result whereof death was caused. Others including, the appellant were holding the deceased.



Submission of the learned counsel for the appellant is that in fact the informant is not an eyewitness of the occurrence. The allegation is not acceptable that other accused persons surrounded the deceased and thereafter, two persons fired at him. Moreover, the Doctor has found single firearm injury on the person of the deceased. The death might have been caused due some other activity of the deceased and false allegation is there.

Considering the material available on the record, the allegation is not corroborated by medical evidence as well as considering the nature of allegation against the appellant, 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.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
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