

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.37 of 2018

Arising Out of PS.Case No. -219 Year- 2016 Thana -DARBHANGA SADAR District-
DARBHANGA

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1. Jai Govind Chaudhary @ Sonu Chaudhary @ Sonu Jha, S/o Sri Raja Bahadur Chaudhary, resident of Village- Dularpur, P.S.- Sadar, District- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mukund Mohan Jha, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 23-03-2018

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 anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Darbhanga, in connection with Sadar (Mabbi O.P.) Police Station Case No.219 of 2016 registered under Section 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

From perusal of the impugned order, it is evident that the appellant is not named in the FIR. Name of the appellant



surfaced in the confessional statement of co-accused wherein co-accused stated that the appellant was not an assailant; rather no overt act was alleged against the appellant.

Considering the aforesaid facts, 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 bonds 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as 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 appeal stands allowed.

(Birendra Kumar, J)

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