

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1368 of 2018

Arising Out of PS.Case No. -630 Year- 2017 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Rajesh Ram, son of Chandradeo Ram, resident of Village- Fesura, P.S. Saiyadraja, District- Chandauli (U.P.). Appellant/s

Versus

1. The State of Bihar.

2. Jay Prakash Ram, Son of Late Shivpujan Ram, resident of Village- Dulahpur, P.S. Mohania, District Kaimur at Bhabua Respondent/s

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Appearance :

For the Appellant/s : Mr. Tribhuwan Narayan, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-09-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 27.03.2018 in A.B.P. No.238 of 2018 passed by the learned Addl. Sessions Judge-I-cum-Special Judge, Kaimur at Bhabhua in connection with Mohania P.S.Case No. 630 of 2017 registered under Sections 302,201,120(B) of the Indian Penal Code as well as under Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

The FIR was lodged on recovery of dead body of the son of the informant. Suspicion is against the appellant also to be involved in murder of the son of the informant, for the reason that the appellant is relation of co-accused-Pintu Ram with whom there was dispute for non-refund of money advanced.



Though learned counsel for the informant opposed the prayer for anticipatory bail, however, could not substantiate that any other substantial evidence has come against the appellant in the case diary.

Hence, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure and 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
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