

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.1801 of 2018**

Arising Out of PS.Case No. -13 Year- 2006 Thana -NANHPUR District- SITAMARHI

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1. Kishundeo Rai @ Krishandeo Rai, son of Shivdhari Rai,  
2. Umesh Rai son of Krishnadeo Rai @ Kishundeo Rai Both resident of Village-  
Sirsi, P.S.- Nanpur, District- Sitamarhi. .... Appellant/s

Versus

1. The State of Bihar .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ashok Kumar Jha, Adv

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

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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 against the refusal of prayer for bail by order dated 20.04.2018 by the learned 1st Additional Sessions Judge-cum-Special Judge, (S.C./S.T. Act), Sitamarhi, in connection with Trial No. 286 of 2017 arising out of Nanpur Police Station Case No.13 of 2006 registered under Sections 302/34 of the Indian Penal Code.

11 FIR named persons including the appellants intercepted the informant and his family members on the way and 3 to 4 out of them gave dagger blow to the niece of the informant, aged about 7 years and committed her death.

Submission of the learned counsel for the appellants is that none claims to have identified the assailants



of the deceased, though the mother of the deceased, was present at the time of occurrence. After investigation, appellant No.2 was not sent up for trial. Investigation against the appellant No.1 is still pending. However, the learned Magistrate has taken cognizance. The appellants are in custody since 16.04.2018.

Learned counsel for the State submits that the case diary reveals that no eye witness has supported that the appellants were assailants.

Hence, let the appellants, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each 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 appellants 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 appellants.

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

**(Birendra Kumar, J)**

Nitesh/-

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| AFR/NAFR          | NAFR       |
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