

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1374 of 2018

Arising Out of PS.Case No. -6 Year- 2018 Thana -GADHPURA District- BEGUSARAI

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1. Abhay Chaudhary, S/o Late Ram Deo Chaudhary, resident of Village- Murha,
Police Station- Hasanpur, District- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhimanyu Sharma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 11-05-2018

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 the learned Special Judge (S.C./S.T. Act), Begusarai, in connection with Gadhpura Police Station Case No.6 of 2018 registered under Sections 307/120B of the Indian Penal Code, Section 27 of the Arms Act and Section 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR of the occurrence of firing at the informant and of commission of injury to back-seater Nawal Kishore is against unknown.

Submission of the learned counsel for the appellant is that witness Jay Jay Ram stated before the police about the past



criminal activity of the appellant and his son and on that basis the appellant has been implicated in this case. If the appellant had committed occurrence of firing against the informant in the past, as stated by Jay Jay Ram before the police, there was no reason to not disclose the name of the appellant in the FIR. The appellant is in custody since 05.02.2018. Investigation of the case is complete.

Considering the aforesaid fact, let the appellant, above named, 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 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 is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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