

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.4036 of 2018

Arising Out of PS. Case No.-95 Year-2018 Thana- THAKRAHA District- West Champaran

Gulli Bin, Son of Late Sahdeo Bin @ Shahdeo Mukhia, Resident of Village-
Pakahi Mushar Toli, Police Station- Thakraha, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lalan Kumar Verma, Adv

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 17-12-2018

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 06.09. 2018 in B.P. No.3229 of 2018 passed by the learned Additional District and Sessions Judge 1st-cum-Special Judge (S.C./S.T. Act), Bettiah, (West Champaran) in connection with Thakraha Police Station Case No.95 of 2018 registered under Sections 341,323,324,458,504 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the appellant was in extra marital relationship with a female of the family of the informant named in the FIR. On one occasion, when the appellant was found in the house of the informant, the appellant allegedly committed assault against the informant.



Learned counsel for the appellant submits that the female, whose name is disclosed in the FIR, has not been examined before the police. Other witnesses examined have stated a quite different genesis of occurrence. According to those witnesses, simple occurrence of abuse and assault has taken place between the parties. Appellant has got no criminal antecedent. He is in custody since 20.07.2018. Investigation of the case is already complete.

Hence, 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 both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellant shall fully cooperate with the 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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