

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2052 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- BEGUSARAI

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1. Murari Kumar @ Murari Choudhary S/o Late Balmiki Chaudhary, resident of Village- Dadpur, P.S. Bhagwanpur, District- Begusarai.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar Singh, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 02-07-2018

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 14.05.2018 by the learned Special Judge (S.C./S.T. Act), Begusarai, in connection with Bachhwara Police Station Case No.77 of 2017 registered under Sections 302 and 120B/34 of the Indian Penal Code, Section 27 of Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, six accused persons including the appellant fired at the husband of the informant as a result whereof he died. The postmortem report would reveal that only



two fire-arm injuries were found on the person of the deceased.

Learned counsel for the appellant submits that there is no specific allegation against the appellant and in fact the informant is not an eye-witness of the occurrence. The appellant is in custody since 25.08.2017. Other co-accused have been granted bail.

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 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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