

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2455 of 2018

Arising Out of PS.Case No. -301 Year- 2017 Thana -MASRAKH District- SARAN

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1. Sikandar Rai, Son of Shanker Rai, Resident of Gamhari, P.S.- Baikunthpur,
District- Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Binod Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-08-2018

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 vide order dated 25.04.2018
passed by the learned Special Judge (S.C./S.T. Act), Saran at Chapra,
in Mashrakh Police Station Case No.301 of 2017, registered under
Sections 302/328/120B/34 of the Indian Penal Code and Section
3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989.

According to the FIR, the deceased had gone along
with the appellant and returned with the appellant and one more
person in sub-unconsciousness and soon thereafter he died.

Submission of the learned counsel for the appellant is



that there is no eyewitness of any criminal act committed against the deceased nor the doctor found any external injury while performing post mortem examination. This may be a case of consumption of spurious liquor which caused the death. Final report is still awaited till forensic examination of the viscera. The appellant is in custody since 23.03.2018. No motive has been alleged as to why the appellant would commit the murder of the deceased. Investigation of the case is already complete.

Considering the entire facts, 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
CAV DATE	NA
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