

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3301 of 2018

Arising Out of PS.Case No. -25 Year- 2018 Thana -JANKINAGAR District- PURNIA

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1. Md. Mojib @ Md. Mojeeb son of Md. Yakub @ Md. Yaqub, resident of Village-
Binowagram Muslim Tola, P.S. Janki Nagar, District- Purnea. Appellant/s
Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Sada Nand Roy, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 01-10-2018

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 18.04.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Purnea, in Special SC/ST Case No.38 of 2018, arising out of Jankinagar Police Station Case No.25 of 2018, registered under Sections 302/120B of the Indian Penal Code, Section 27 of Arms Act and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, this appellant had also fired at the deceased. However, the firing of co-accused-Amrendra Yadav hit at the head of the deceased.

Submission of learned counsel for the appellant is that the postmortem report would reveal that the Doctor has



found single injury at the head on frontal parietal region of the deceased, which was cause of death and that allegation is against Amrendra Yadav. Appellant is in custody since 20.03.2018. Investigation of the case against the appellant is complete now.

Learned counsel for the informant opposed the prayer for bail.

Considering the nature of specific allegation against the appellant and the period already undergone by him, 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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