

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2145 of 2018

Arising Out of PS.Case No. -27 Year- 2018 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

- =====
1. Laxmina Devi @ Laxmina Kuer, Wife of Puran Chero,
 2. Budhu Chero, Son of Mahadeo Chero.
 3. Bechan Yadav, Son of Sukhdeo Yadav.
 4. Shankar Chero, son of Natu Chero, All resident of Village- Makari Khoh, P.S.- Bhagwanpur, District- Kaimur at Bhabua.
 5. Meera Devi, Wife of Diwana Chero, Resident of Village- Lohara, P.S.- Dinara, District- Rohtas at Sasaram.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rajani Kant Pandey, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-09-2018

Supplementary affidavit has been filed without Court-fee stamp due to non-availability of stamp, as submitted by the learned counsel for the appellants. Appellants shall supply the same as soon as it is made available.

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 anticipatory bail vide order dated 04.05.2018 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Kaimur at Bhabua, in A.B.P. No.515 of 2018, arising



out of Bhagwanpur Police Station Case No.27 of 2018, registered under Sections 302/201/34 of the Indian Penal Code and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

One Puran Chero had two wives one was Sanichari Devi, the sister of the informant, and another was appellant Laxmina Devi @ Laxmina Kuer. Puran Chero died in police lockup. Hence, compensation of Rs.1,00,000/- was paid to Sanichari Devi. For claim and distribution of share in the compensation amount allegation is that the appellants committed murder of Sanichari Devi.

Submission is that the case-diary would reveal that there is no direct evidence against the appellants; rather suspicion is there.

Considering the substance in the submission aforesaid, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants 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 appellants.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.09.2018
Transmission Date	24.09.2018

