

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2697 of 2018

Arising Out of PS.Case No. -116 Year- 2017 Thana -SRI NAGAR District- MADHEPURA

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1. Raushan Kumar Jha Son of Late Bimal Kishore Jha Resident of Village-
Ramganj, Police Station - Kumar Khand, District - Madhepura.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-08-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 11.07.2018 in SC/ST Case No. 21 of 2018 passed by the learned Special Judge S.C./S.T. (POA) Act, Madhepura in connection with Srinagar P.S. Case No. 116 of 2017 registered under Sections 341, 342, 323, 324, 325, 307, 302, 427, 504, 506/34 of the Indian Penal Code, Section 27 of the Arms Act as well as Section 3(1)(s)/3(1)(w)(ii) of the SC/ST Act.

According to FIR, three persons including the appellant fired. However, due to fog, it could not be seen instantly by the informant as to whom the firing had hit. Subsequently, it revealed



that the firing had hit by Jagdish Das who died. The postmortem report annexed with this petition would reveal that the single firearm injury was found on the person of the deceased. The case diary would reveal that there is no witness before the police to say as to who had caused single injury.

Considering the aforesaid facts, in my view, the appellant deserves for bail, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case, subject to the 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 this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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