

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3459 of 2018

Arising Out of PS.Case No. -77 Year- 2017 Thana -BACHHWARA District- BEGUSARAI

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Kanhaiya Ram, S/o Shivam Ram, R/o Vill. - Salempur (Bhikhamchak), P.S. -
Bachhwara, District - Begusarai.

.... Appellant/s

Versus

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: 05-11-2018

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 14.05.2018 in Bachhwara P.S. Case No. 77 of 2017 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Begusarai in connection with the aforesaid case registered under Sections 302, 120B/34 of the Indian Penal Code, Section 27 of the Arms Act as well as Section 3(2)(v) of the SC/ST Act.

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 firearm 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 eyewitness of the occurrence. The appellant is in custody since 02.02.2018. 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/- (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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	08.11.2018
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