

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1163 of 2018

Arising Out of PS.Case No. -188 Year- 2017 Thana -JADIA District- SUPAUL

- =====
1. Manoj Kumar Mandal @ Manoj Mandal, S/o Dallu Mandal, R/o Vill.- Parsagarhi North, ward no. 10, P.S.- Jadia, District- Supaul.
2. Rajesh Mandal S/o Bhaldi Mandal, R/o Raharia, P.S.- Raniganj, District- Araria.
.... Appellant/s

Versus

1. The State of Bihar
.... Respondent/s
- =====

Appearance :

For the Appellant/s : Mr. Kameshwar Prasad Singh, Adv
For the Respondent/s : Mr. Sadanand Paswan, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date: 30-04-2018

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 by the learned 1st Additional District Judge, Supaul, in connection with Jadiya Police Station Case No.188 of 2017 registered under Sections 302,34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Though allegation in the FIR is that the appellants caused firearm injury to the mother of the informant, as a result whereof, she died, the postmortem report would reveal that the Doctor has not found any firearm injury on the person of the deceased rather lacerated wounds caused by hard and blunt substance were noticed and cardiac failure was cause of death.



Submission is that in fact the informant is not an eye witness of the occurrence and due to previous dispute, concocted allegation has been levelled.

Considering the aforesaid fact, let the appellants, above named, be released on bail on furnishing bail bond 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, with 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 appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.05.2018
Transmission Date	01.05.2018

