

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1199 of 2018

Arising Out of PS.Case No. -115 Year- 2016 Thana -LADANIA District- MADHUBANI

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Siya Ram Paswan, Son of Raj Lal Paswan, Resident of Village- Sahorba, P.S.-
Ladaniya, District- Madhubani.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Yogendra Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 29-06-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (hereinafter referred to as the “S.C./S.T. Act”) against the refusal of prayer for anticipatory bail vide order dated 24.01.2018 passed in A.B.P. No.170 of 2017, by the learned 1st Additional Sessions Judge, Madhubani, in connection with G.R. Case No.2022 of 2016, arising out of Ladaniya P.S. Case No.115 of 2016, registered under Section 302/34 of the Indian Penal Code and Section 3(II) (V) of the S.C./S.T. Act.

Submission of the learned counsel for the appellant is that though there is allegation of commission of assault against the



appellant also, which resulted in death of *Mungiya Devi*, the mother of the informant. However, the postmortem report would reveal that the Doctor did not find any external injury.

Considering the fact that no substantive material is against the appellant, who is himself a member of the scheduled caste, let the appellant, above named, in the event of his 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 bond of Rs.20,000/- (rupees 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully cooperate with the investigation and 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)

Abhishek/-

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CAV DATE	
Uploading Date	
Transmission Date	

