

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1234 of 2019

Arising Out of PS. Case No.-144 Year-2018 Thana- KURTHA District- Jehanabad

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1. Gautam Kumar Son of Late Bhuneshwar Bind Resident of Village - Nadaura, P.S.- Kurtha, Dist.- Arwal under the guardian ship of Reshmi Devi the mother and natural guardian resident of village - Nadaura, P.S.- Kurtha, District - Arwal.
 2. Surjeet Kumar Son of Bhuneshwar Bind Resident of Village - Nadaura, P.S.- Kurtha, Dist.- Arwal under the guardian ship of Reshmi Devi the mother and natural guardian resident of village - Nadaura, P.S.- Kurtha, District - Arwal.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mritunjay Prasad Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 09-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 18.02.2019 passed by learned 1st Addl. Sessions Judge Jehanabad in Kurtha P.S. Case No. 144 of 2018 registered under Sections 302, 307, 323, 341, 504/34 of the Indian Penal Code and Section 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Over row of playing football between the children, appellants and three other accused persons are said to have assaulted father-in-law and mother-in-law of the informant by means of bat indiscriminately. Father-in-law of the informant succumbed to his injury during the course of treatment.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, the deceased was grazing the cattle and fell down on the ground and sustained head injury which proved fatal. The injury sustained by the mother-in-law of the informant is simple in nature. Appellants have been falsely implicated in this case. Doctor has found only one head injury on the person of the deceased which proved fatal though five accused persons are said to have assaulted the deceased indiscriminately by means of bat and the assailant of the said injury is not ascertained.

Per contra, learned Spl. P.P. for the State opposing the bail prayer of the appellants submitted that the appellants along with three other accused persons have assaulted the father-in-law and mother-in-law of the informant by means of bat indiscriminately and father-in-law succumbed to his injury during the course of treatment.

In the facts and circumstances of the case, let the



above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge Jehanabad in connection with Kurtha P.S. Case No. 144 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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