

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1313 of 2019

Arising Out of PS. Case No.-1 Year-2017 Thana- VIDYAPATINAGAR District- Samastipur

Shivnath @ Shivnath Kunwar @ Monu @ Monu Kunwar, Son of Devnarayan
Kumar, Resident of Village - Bharol, P.S.- Bachhwara, Distt.- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raj Kumar Sinha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 28-05-2019 Heard learned counsel for the appellant and the State.

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 order dated 01.03.2019 passed by the Special Judge (SC/ST) Act, Samastipur in connection with Vidyapati Nagar P.S. Case No. 1 of 2017 registered under Sections 302, 109, 120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 (ii) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant has suspicion against the F.I.R. named accused persons to have committed murder of the husband of the informant. Appellant is not named in the F.I.R. During confession of co-accused, name of appellant surfaced. Appellant



is in custody since 12.12.2018. Investigation of the case is already completed.

Under the aforesaid circumstance, the appellant, named above, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge (SC/ST) Act, Samastipur in connection with Vidyapati Nagar P.S. Case No. 1 of 2017 with the condition that the both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 bonds of the appellant.

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

(Anil Kumar Upadhyay, J)

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