

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1591 of 2019**

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

Sonu Kumar S/o Dilkeswar Jadab @ Ram Pravesh Yadav Resident of Village-
Sura, P.S.- Kurtha, District- Arwal

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravindra Kumar Sinha
For the Respondent/s : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 09-08-2019 As prayed, the appellant is permitted to incorporate

the @ name of the father of the appellant in the title portion of

the appeal during course of the day.

Heard learned counsel for the appellant 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, appellant and four 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 appellant that no such occurrence as alleged ever took place. He has been falsely implicated over petty dispute ensued during playing football. 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. 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. There is no eye witness of the occurrence. Appellant has no criminal antecedent. Similarly situated co-accused, namely, Gautam Kumar and Surjeet Kumar have been enlarged on anticipatory bail by this Court vide order dated 09.07.2019 passed in Cr. Appeal (SJ) No. 1234 of 2019.

On the other hand, learned Spl. P.P. opposed the bail prayed of the appellant.



In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his 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) 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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