

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4157 of 2018**

Arising Out of PS. Case No.-582 Year-2018 Thana- SHASTRINAGAR
District- Patna

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1. Dr. Nirmal Kumar @ Nirmal Jha Son of Late Kameshwar Jha.
 2. Veena Jha @ Veena Devi, Wife of Dr. Nirmal Kumar, Both residents of B1, Ram Krishna Path, Sushila Sadan Punaichak, Police Station - Shastri Nagar, District- Patna.
 3. Anand Jha @ Dr. Anand Jha, Son of Dr. Nirmal Kumar.
 4. Seema Jha @ Seema Kumari @ Seema Wife of Anand Jha, Both at present residing at New R- 12 B, 2nd Floor, Anand Vihar, Uttam Nagar, West Delhi, Police Station- Bindapur, Delhi- 110059.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. P.K. Shahi, Sr. Adv.
	:	Mr. Manoj Kumar Singh, Adv.
For the Respondent/s	:	Mr. Binary Kishore, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

Date : 02-05-2019

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 05.10.2018 passed by the learned Additional Sessions Judge- IV -cum- Special Judge, SC/ST Act, Patna in connection with Shastri Nagar P.S. Case No. 582 of 2018 registered under Sections 302 and 120(B)/34 of the Indian



Penal Code and Section 3(1)(R) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellant has been rejected.

Learned Senior counsel appearing for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. In fact, the appellants have been made accused in this case merely on the basis of presumption and no specific allegation is attributed to any of the appellants which is evident from the F.I.R. itself. No Ante Mortem injury has been found on the person of the deceased which is evident from the Post Mortem Report. Hence, the appellants may be granted the privilege of pre-arrest bail.

Considering the facts and circumstances of the case, let the above named appellant in the event of their surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- IV -cum- Special Judge, SC/ST Act, Patna in connection with Shastri Nagar P.S. Case No. 582 of 2018 subject to the conditions laid down under Section 438(2) of the Cr.P.C.



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

(Arvind Srivastava, J)

Brajesh/-

Uploading Date	
Transmission Date	

