

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2473 of 2019

Arising Out of PS. Case No.-126 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Savita Devi Wife of Lalindra Sada Resident of Village- Jitwaria, P.S.-
Kalyanpur, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sachchidanand Sharma Son of Late Hari Narayan Rai Resident of Village-
Jitwaria, P.S.-Kalyanpur, District-Samastipur.
3. Devendra Singh Son of Late Satya Narayan Singh Resident of Village-
Jitwaria, P.S.-Kalyanpur, District-Samastipur.
4. Baliram Sharma @ Baliraam Sharma Son of Ram Sevak Rai Resident of
Village-Jitwaria, P.S.-Kalyanpur, District-Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Surendra Kumar Mishra
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

9 16-12-2019 This memo of appeal has been filed for setting aside

the order dated 23.04.2019 passed by learned 1st Additional

Sessions Judge, Samastipur in Complaint Case No. 126 of 2017,

Trial No. 980 of 2019, under Sections 323 and 120(B) of I.P.C.

and Section 3(2) (va) of SC/ST Act (Prevention of Atrocities

Act) by which the respondent nos. 2 to 4 along with one more

accused have been granted the bail.

The ground for cancellation is that the learned

Sessions Judge, has not considered the materials available on

the record and allowed bail to the appellants. Complaint case



filed by the petitioner is prior to the complaint case lodged by the respondent nos. 2 to 4 and the allegations are serious, as informant was also assaulted and Section 3(2)(va) is also involved in this case.

Heard learned A.P.P. as well as learned counsel for the opposite party nos.2 to 4 who appeared on notice and submitted that there is absolutely nothing in the impugned order to cancel the bail granted to the respondent nos. 2 to 4. Learned Special Judge after hearing the opposite party no.2 to 4 and special P.P., has granted bail on merit.

Having heard both sides, granting of bail is the discretion of Court, opposite party no. 2 to 4 had been granted regular bail in a case under Sections 323 and 120(B) of I.P.C. as well as Section 3(ii)(v)a of SC/ST (Prevention of Atrocities Act). There is no allegation of tempering with the evidence or misuse of privilege of bail by opposite party no. 2 to 4.

Considering the facts, as stated above, I find no merit in this appeal.

Accordingly, this appeal is dismissed.

(Vinod Kumar Sinha, J)

Rahul Mishra/-

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