

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2628 of 2019

Arising Out of PS. Case No.-103 Year-2017 Thana- BHARGAMA District- Araria

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MUKESH BHAGAT @ MUKESH KUMAR MANI Son of Sri Harinandan
Bhagat. Resident of Village - Kadmaha, P.S.- Bhargama, District - Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Senior Advocate Mr. Nilesh Kumar, Advocate Mr. Malay Kumar Choudhary, Advocate
For the Respondent/s	:	Ms. Usha Kumari-1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-09-2019

Heard learned counsel for the parties.

This is an appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 22.05.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in Special (SC/ST) Case No.193 of 2017, arising out of Bhargama Police Station Case No.103 of 2017 registered under Sections 147, 148, 149, 341, 323, 307, 379, 504 of the Indian Penal Code as well as Section 27 of the Arms Act and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The appellant is main assailant of *Mauji Lal Ram* by causing firearm injury. He is in custody since 28.04.2018.

Earlier, the prayer for bail was refused on 13.07.2018 with direction to the learned trial judge to expedite the trial. The report of the learned trial judge reveals that prosecution evidence is still going on.

Submission of learned counsel for the appellant is that there is counter case also and the appellant had sustained grievous injury at the hands of the informant side. Further submission is that there was land dispute between the parties. However, the judgment of the competent court was in favour of the appellant and in fact the informant and others were aggressor.

Considering the period already undergone by the appellant and chances of non-conclusion of trial in near future, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the condition that *both the bailors shall be resident of the territorial jurisdiction of the learned court below and the appellant shall fully cooperate with the trial of the*



case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
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