

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4939 of 2019**

Arising Out of PS. Case No.-549 Year-2019 Thana- DANAPUR District- Patna

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TATWA THATHERA @ TATWAN THATHERA @ TATWA Son of Umesh Prasad @ Karu Thathera @ Karu Saw Resident of Village - Nasriganj near Biscuit Factory, Police Station - Danapur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Akhauri Kamal Kishore Sahay

For the Respondent/s : Mrs Usha Kumari 1

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

2 19-11-2019 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 18.10.2019 passed by learned Additional Sessions Judge-XX- cum Special Judge (SC/ST Act), Patna in connection with Special Case No.314/2019, arising out of Danapur P.S. Case No. 549 of 2019 registered under Sections 307, 341, 323, 325, 504, 506, 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i) (r) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

On interference by the informant over taking money of his neighbour Vikas Kumar by the appellant and other co-accused. Manish and Akash caught him hold and on exhortation of co-accused Mogla and appellant, Chandan resorted firing on the face of the informant while Nepali on his hand.

It is submitted by learned counsel for the appellant that he has no concern with the aforesaid occurrence. Appellant has been falsely implicated in the case merely because he has tried to pacify the matter. He does not happen to be assailant. Appellant has no criminal antecedent and has been languishing in custody since 16.07.2019.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XX- cum Special Judge (SC/ST Act), Patna in connection with Special Case No.314/2019, arising out of Danapur P.S. Case No. 549 of 2019.



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

(Prakash Chandra Jaiswal, J)

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