

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5429 of 2019

Arising Out of PS. Case No.-353 Year-2019 Thana- BAKHTIARPUR District- Saharsa

KARTIK SHARMA S/o Rijhan Sharma @ Rijhan Tanti R/o village- Kariwa,
P.S.- Bakhtiyarpur (Balwahat O.P.), District- Saharsa

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Mishra, Adv
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 10-12-2019

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) Act, 1989 against the refusal of prayer for bail by order dated 16.11.2019 passed in Special Case No.257 of 2019, arising out of Bakhtiyarpur P.S.Case No.353 of 2019 by the learned Additional Sessions Judge-III-cum-Special Judge, Saharsa registered under Sections 302,386,120(B),34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2),(V),3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant is not named in the FIR whereas some others are named and there is allegation against the named person. The impugned order also reveals that the appellant is not named in the FIR.



The aforesaid fact is sufficient to say that the appellant does not deserve further detention in the custody as undertrial. Hence, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellant shall fully cooperate with the investigation/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)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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