

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1029 of 2020

Arising Out of PS. Case No.-323 Year-2018 Thana- BARH District- Patna

=====

GOLU KUMAR S/O Muneshwar Ray @ Loha Kahar Resident of Village -
Bichali Malahi, P.S. Barh, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Sanchay Srivastava
For the Respondent/s : Mr. Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 26-06-2020

Heard learned counsel for the appellant and learned

Additional Public Prosecutor appearing on behalf of the State.

The appellant is aggrieved by the order dated 03.02.2020 passed by the learned Additional District & Sessions Judge-VIII cum Special Judge S.C./S.T. Act, Patna in connection with Special Case No. 527 of 2019 arising out of Barh P.S. Case No. 323 of 2018 registered for the offences under Section 302 of the Indian Penal Code, Section 27 of the Arms Act and Section 3 (2) (va) (I) (r) (I) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

In the instant case, case diary was called for by order dated 01.06.2020, which has been received.



Learned counsel for the appellant submits that the appellant has no criminal antecedent.

On perusal of the case diary and also on consideration of the entire materials available on record, the Court finds that the appellant belongs to Scheduled Caste category and as such, the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) are not attracted in this case.

In addition thereto, from perusal of the case diary, it does not indicate that the appellant has given any fatal blow. He is in custody since 22.07.2019.

Considering the aforesaid facts and circumstances and the fact that the appellant has no criminal antecedent, the Court is inclined to set aside the order dated 03.02.2020 passed by the learned Additional District & Sessions Judge-VIII cum Special Judge, SC/ST Act, Patna, in Special Case No. 527 of 2019 arising out of Barh P.S. Case No. 323 of 2018 and accordingly the aforesaid order is set aside. Let the appellant above named be released on bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned



Additional District & Sessions Judge-VIII cum Special Judge,
S.C./S.T. Act, Patna, in connection with the aforesaid case.

The appeal stands allowed.

(Anil Kumar Upadhyay, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	29.06.2020
Transmission Date	29.06.2020

