

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5148 of 2019

Arising Out of PS. Case No.-405 Year-2019 Thana- GAURICHAK District- Patna

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Bhola Kumar @ Bhola Singh Son of Late Raj Narayan Singh Resident of
Mohalla - Masodhi, P.S.- Gaurichak, District - Patna

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arvind Kumar Mouar, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 19-02-2020 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 anticipatory bail vide order dated 05.11.2019 passed by the learned Additional Sessions Judge XX-cum-Special Judge (S.C./S.T. Act), Patna, in Special Case No.483 of 2019, arising out of Gaurichak Police Station Case No.405 of 2019, registered under Sections 302/201 of the Indian Penal Code and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR would reveal that informant had only suspicion that the appellant had killed her husband.

Learned Special Public Prosecutor submits that the



case-diary does not show that anyone had seen the appellant along with the deceased at any point of time before death.

Considering the complete lack of material against the appellant, non-grant of anticipatory bail would result in miscarriage of justice. Hence, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that 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.

The appellant shall not leave the country without permission of the trial Court.

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

(Birendra Kumar, J)

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