

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5369 of 2019**

Arising Out of PS. Case No.-45 Year-2018 Thana- PARSA District- Saran

TARUN RAY @ TARUN RAI s/o Laddu Rai, r/o Village-Banvaripur,
Mastichak P.S.-Dariyapur, District-Saran at Chapra.

... .. Appellant/s

Versus

THE STATE OF BIHAR

.. ... Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar, Advocate.

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

2 17-02-2020

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 16.09.2019 passed by learned District and Sessions Judge 1st cum Special-Judge SC/ST Act, Saran at Chapra in connection with Parsa P.S. Case No. 45/2018 registered under Sections 302, 120(B)/34 of the Indian Penal Code and 27 Arms Act and Section 3(2)(VR) SC/ST Act.

According to FIR 5-6 motorcycle borne criminals including the appellant allegedly conspired with co-accused Lal Babu Miyan, Maina Devi and others and the conspiracy led to commission of indiscriminate firing causing death of the husband of the informant.

Learned counsel for the appellant submits that Maina Devi has already been allowed bail by this Court in Criminal Appeal(SJ)



No. 1630/2018 and Sandeep Ojha and Shikari Rai were allowed bail by a coordinate Bench of this Court.

Since the appellant was not identified as perpetrator of the crime and others have already been allowed bail earlier, hence, let the appellant, above named be released on bail 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 following conditions:-

(a) 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.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The appellant shall not leave the country without permission of the learned trial court.

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

(Birendra Kumar, J)

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