

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1579 of 2021

Arising Out of PS. Case No.-133 Year-2020 Thana- JANKINAGAR District- Purnia

KANCHAN JHA @ KANCHAN KUMAR Son of Bishambar Jha @ Buchchi Jha Resident of Ashok Nagar, P.O.- Naulakhi, P.S.- Jankinagar, District- Purnea (Bihar).

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

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

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 16-08-2021 Heard the parties in virtual Court proceeding.

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 07.12.2020 passed by the learned Additional Sessions Judge-1-cum Special Judge (SC/ST), Purnea in connection with Special SC/ST Act Case No. 116 of 2020 arising out of Jankinagar P.S. Case No. 133 of 2020 registered under Sections 452, 147, 148, 149, 341, 323, 324, 325, 302, 307, 504, 506 of the I.P.C., Section 27 of the Arms Act and Section 3(2)(v) of the SC/ST Act.

The appellant, his two brothers and father allegedly caused firearm injury to the husband of the informant as a result



whereof he died.

Learned counsel for the appellant submits that since the doctor has found single firearm injury on the person of the husband of the informant, informant does not appears to be an eye witness of the occurrence. Allegation of commission of murder of another person is against other co-accused persons. Co-accused Dhirendra Yadav has already been allowed bail by a co-ordinate Bench of this court in Cr. Appeal (SJ) No. 1336 of 2021. Investigation of the case is already complete. Appellant is in custody since 19.09.2020.

Learned counsel for the State opposed the prayer for bail.

Considering the fact that informant's allegation is not corroborated by the medical evidence so far number of firearm injury found on the person of the deceased, let the appellant, above named, 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, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.



(b) The appellant shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(c) 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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