

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1870 of 2021

Arising Out of PS. Case No.-380 Year-2018 Thana- MALSALAMI District- Patna

Sharvan Kumar @ Bunty (Bholu Ka Bara Bhai) Son of Shoki Lal a Resident
of Village - Rastravadi Chaurha, P.S.- Malsalami, Distt.- Patna.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar Mouar, Advocate
For the Respondent/s : Mr. Vinay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 17-08-2021 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 vide order dated 15.09.2020 passed by the learned Additional Sessions Judge XXI-cum-Special Judge (S.C./S.T. Act), Patna, in connection with Special Case No.598 of 2018, arising out of Malsalami Police Station Case No.380 of 2018, registered under Sections 302/34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that the informant is not an eyewitness of the occurrence.

Allegation has been levelled against 13 persons



including the appellant of commission of murderous assault. Other co-accused have been allowed bail by a coordinate Bench of this court. Investigation of the case is already complete.

Considering the submission aforesaid, 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 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 appeal is allowed.

(Birendra Kumar, J)

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