

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2146 of 2021

Arising Out of PS. Case No.-258 Year-2020 Thana- BATHNAHA District- Sitamarhi

1. BALKRISHAN JHA @ CHHOTU JHA Son of Kamjit Jha Resident of Village- Majhauriya, Post- Majhauriya, P.S.- Bathnaha, District- Sitamarhi.
2. Sachin Jha Son of Kamjit Jha Resident of Village- Majhauriya, Post- Majhauriya, P.S.- Bathnaha, District- Sitamarhi.
3. Biltu Mandal Son of Rati Chandra Mandal Resident of Village- Majhauriya, Post- Majhauriya, P.S.- Bathnaha, District- Sitamarhi.

... .. Appellants

Versus

The State of Bihar

. ... Respondent

Appearance :

For the Appellant/s : Mr. Alok Kumar Jha, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 11-08-2021 Let the defects be removed within four weeks of start of the physical Court.

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 25.02.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST(POA) Act, Sitamarhi in connection with Bathnaha P.S. Case No. 258 of 2020 registered under Section 302/34 of the I.P.C., Section 27 of the Arms Act and Sections 3 (1)(r) (s) /3(2)(v) of the SC/ST Act.

According to FIR, on the order of co-accused Bablu Jha, one Gulgul Jha caused firearm injury and death of Avinash



Paswan. Appellant no. 1 has got one criminal antecedent.

Since no overt-act is alleged against the appellants and investigation of the case is already complete, let the appellants, above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each 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 appellants 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 appellants.

(c) The appellants shall not leave the country without permission of the trial Court.

Accordingly, the impugned order dated 25.02.2021 passed in connection with Bathnaha P.S. Case No. 258 of 2020 is set aside and the appeal is allowed.

(Birendra Kumar, J)

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