

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2871 of 2021

Arising Out of PS. Case No.-186 Year-2019 Thana- SARAI RANJAN District- Samastipur

Umesh Rai @ Umesh Ray S/o Late Maheshwar Rai R/o Village- Rasalpur,
P.S.- Sarairanjan, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dilip Kumar Roy, Advocate
For the Respondent/s : Mr. SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-10-2021 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 bail vide order dated 15.06.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Samastipur, in connection with Sarairanjan Police Station Case No.186 of 2019, registered under Sections 147/323/379/427/302 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that though there is allegation in the



FIR that the appellant and co-accused Sanjay Rai, father of the appellant, allegedly assaulted to the mother of the informant as a result whereof she died. The doctor has found single injury on the neck and death was due to asphyxia. On the basis of medical report submission is that the informant is not an eyewitness of the occurrence. False allegation is there. Investigation of the case is already complete. The appellant has got no criminal antecedent. He is in custody since 08.12.2019.

Considering the period already undergone by the appellant and completion of investigation, 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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