
(2017) 06 JH CK 0002
In the Jharkhand High Court
Case No : 936 of 2017

Fagu Mahto

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 05-06-2017

Acts Referred:

Indian Penal Code, 1860, Section 34, Section 307, Section 323, Section 325, Section 341 - Acts done by several persons in furtherance

Citation : (2017) 06 JH CK 0002

Hon'ble Judges : Rajesh Shankar

Bench : SINGLE BENCH

Advocate : B.K. Dubey,? Manoj Kumar

Judgement

1. Heard the learned counsel for the parties.
2. By way of the present appeal, the appellant prays for grant of bail in connection with Ichak P.S. Case No. 36 of 2016, corresponding to G.R. No. 633 of 2016, registered under Sections 341/323/325/307/34 of the Indian Penal Code and Sections 3(1) (x)/3(1)(xiv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. The learned counsel for the appellant submits that the appellant has been falsely implicated in the present case and has not committed any offence as alleged in the F.I.R. It is alleged that the appellant being a part of the mob assaulted the father of the informant namely, Satyadeo Ram by stone causing injury near his nose. It is also submitted that there has been case and counter-case between the parties for the alleged incidence. There had been no intention on the part of the appellant to kill the injured and the alleged occurrence took place on spur of the moment. The case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been concocted at the instance of the informant. The appellant is in judicial custody since 22.03.2017 and, therefore,

he may be given the privilege of bail.

4. The learned counsel for the respondent opposes the appellant's prayer for bail.

5. Considering the facts and circumstances of the case, I am inclined to enlarge the appellant on bail. Accordingly, the appellant above named is directed to be released on bail on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Hazaribagh, in connection with Ichak P.S. Case No. 36 of 2016, corresponding to G.R. No. 633 of 2016, subject to the condition that at the time of furnishing bail bond, Rs.5,000/- (Rupees Five thousand) shall be deposited on behalf of the appellant before the concerned court below by way of ad-interim compensation under the provisions of Jharkhand Victim Compensation Scheme, 2012 which shall be released by the learned court below in favour of Satyadeo Ram (the father of the informant) on due verification/identification.