

(2017) 05 RAJ CK 0021
In the Rajasthan High Court
Case No : 557 of 2017

Harish S/o Shri Ashok, B/c Jat

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision : 04-05-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 147](#),
[Section 307](#), [Section 323](#), [Section 148](#),
[Section 149](#), [Section 341](#) - Puni

Citation : (2017) 05 RAJ CK 0021

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : SK Poonia, Pankaj Awasthi

Final Decision : Allowed

Judgement

1. Heard learned counsel for the appellant and learned Public Prosecutor. Perused the order under challenge as well as case diary.
2. This appeal has been preferred on behalf of the appellant under Section 14A(2) of the SC/ST (Prevention of Atrocities) Act being aggrieved of the order dated 18.4.2017 passed by learned Special Judge, SC/ST (Prevention of Atrocity) Cases, Bikaner in Cr. Case No.569/2017 rejecting the bail application preferred on behalf of the appellant who is in custody in connection with FIR No.107/2017, Police Station Kotgate, Bikaner, for the offences under Section 307, 341, 323, 147, 148 and 149 IPC and Section

3(1)(10)(2)(5) of SC/ST (Prevention of Atrocities) Act.

3. No specific overt act has been assigned to the appellant in the statement of any of the prosecution witnesses. The grievous life endangering injury caused to Dilip Singh is specifically attributed to Rampratap as per the learned P.P.

4. Having regard to the entirety of the facts and circumstances available on record, but without expressing any opinion on the merits of the case, this Court is of the opinion that the appellant is entitled to be released on bail.

5. Consequently, the appeal is allowed. The order dated 18.4.2017 is set aside. It is ordered that the accused-appellant Harish arrested in connection with FIR No.107/2017, Police Station Kotgate, Bikaner shall be released on bail during pendency of the trial; provided he furnishes a personal bond of Rs.50,000/- and two surety bonds of Rs.25,000/- each to the satisfaction of the learned trial court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.