

(2021) 05 PAT CK 0009
In the Patna High Court
Case No : Criminal Appeal (Sj) No. 48 Of 2021

Nandkishor Rai And Anr

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 03-05-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 14(A)(2)
Indian Penal Code, 1860 — Section 34, 120B, 302, 328

Citation : (2021) 05 PAT CK 0009

Hon'ble Judges : Birendra Kumar, J

Bench : Single Bench

Advocate : Umesh Chandra Verma, Pratyush Kumar, Sadanand Paswan

Final Decision : Allowed

Judgement

The matter has been taken up through virtual Court proceeding.

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 (hereinafter referred to

as the "SC/ST Act") against the refusal of prayer for regular bail vide order dated 21.09.2020 passed by the learned 1st Additional Sessions

Judge-cum-Special Judge, S.C./S.T. (POA) Act, East Champaran at Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 351 of 2020

registered under Sections 302, 328, 120B/34 of the Indian Penal Code as well as Sections 3(2)(v) of the SC/ST Act.

The appellants and co-accused allegedly poisoned to the father of the informant and his friend Nand Kishore Thakur as a result whereof both died.

Learned counsel for the appellants submits that the appellants have got no

criminal antecedent. There is no eyewitness of the actual occurrence. The postmortem report does not show any specific cause of death, rather final opinion is awaited till receipt of the viscera report. Appellants are in custody since 16.06.2020 and 18.06.2020 respectively. Investigation of the case against the appellants is already complete.

Mr. Pratyush Kumar, learned counsel for the informant as well as Mr. Sadanand Paswan, learned Special Public Prosecutor for the State opposed the prayer for bail.

Considering the lack of direct material against the appellants and the fact that only material is suspicion, let the appellants, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case, subject to the following conditions:-

(a) The appellants shall fully cooperate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the appellants.

(b) Both the bailors shall be resident of territorial jurisdiction of the learned court below.

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

Accordingly, the impugned order is set aside and this appeal stands allowed.