

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1472 of 2017

Arising Out of PS.Case No. -150 Year- 2016 Thana -CHANDAN District- BANKA

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Kuldip Das, son of Late Tilo Das, resident of Village- Khirhartari, Police
Station- Chandan, District- Banka.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Mukherjee, Advocate
For the State : Sri Sadanand Paswan, Spl. PP
For the Respondent/s : Mr. Arun Kumar Lal, Advocate
: Mr. Karn Satish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-07-2017 The appellant seeks bail in connection with Chandan

P.S. Case No. 150 of 2016 registered for offences punishable

under section 302/34 of the Indian Penal Code and Sections

3(2)(v) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellant is that Deputy

Mukhiya Rinku Rai put soil on village road, upon protest by the

father of the informant, Rinku Rai threatened the father of the

informant of dire consequences. On that day Rinku Rai called all

the accused persons and ordered to assault him. Thereafter

appellant namely Kuldip Das assaulted the father of the informant

on the ear by the “Gaita” due to that father of the informant died

on the spot.



Learned counsel for the appellant submitted that as per FIR, allegation against the appellant is that he assaulted by back portion of Gaita on temporal region of the father of the informant and he has been falsely been implicated in this case.

The appellant has been in custody for about four months.

Heard learned Special P.P. also.

Having heard both sides and considering the aforementioned facts and circumstances, this appeal is allowed, let appellant above named be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-Cum-Special Judge, Banka, in connection with Chandan P.S. Case No. 150 of 2016, subject to the following conditions:-

(i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.

(ii) The appellant will not adduce any witness or tamper with the evidence.

(iii) The appellant shall cooperate in the disposal of trial and make him available as and when required by the Court and on the event of failure on his part to appear before the Court



below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail.

(Vinod Kumar Sinha, J)

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