

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1714 of 2017

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Shamshad Alam, son of Md. Subhan, Resident of Village- Dhekabhinja,
Rampur Ward No.31, P.S. and District- Kishanganj.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar

For the Respondent/s : Ms. Usha Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 09-08-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order dated 2.2.2017 passed by Special Judge, Kishanganj, by which prayer for bail of the appellant has been rejected in Kishanganj P.S.case No. 378 of 2015 registered under Sections 313, 304, 420 of the Indian Penal Code and 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for grant of bail to the appellant.

Earlier prayer for bail of the appellant has been rejected by this Court with an observation to renew prayer for bail after framing of charge in this case.

It has been submitted on behalf of the appellant that not only charge has been framed but seven witnesses have been



examined, including the informant and they have been declared hostile and he is in custody since 2.2.2017.

Having heard both sides and in view of facts and circumstances, as stated above, the appeal is allowed and the impugned order is set aside.

Let the appellant, named above, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kishanganj, in connection with Special Case No. 41 of 2016, arising out of Kishanganj P.S.Case No. 378 of 2015, subject to the following conditions :-

- (i) One of the bailors of the appellant shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The appellant will not induce any witness or tamper with the evidence.
- (iii) The appellant shall cooperate in the disposal of trial and make himself 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 reason, the prosecution is



free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

spal/-

