

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1767 of 2017

Arising Out of PS.Case No. -60 Year- 2015 Thana -PUSA District- SAMASTIPUR

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Shankar Poddar @ Shiv Shankar Poddar, son of late Ramchandra Poddar
Resident of Village- Harpur Pussa, P.S.- Pusa, District- Samastipur.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Dilip Kumar Roy

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 07-08-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order dated 2.6.2017 passed by Special Judge, SC/ST Act, Samastipur, in Trial No. 570 of 2017/311 of 2017, arising out of Pusa P.S.case No. 60 of 2015 registered under Sections 323, 353, 332, 337, 504/34 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.

Allegation as per FIR is that the appellant has assaulted the Choukidar and obstructed from his official duties.

It has been submitted on behalf of the appellant that there is case and counter case between the parties and injuries are not serious in nature on the informant and further he is in custody for five months.

Learned Special P.P. has opposed the prayer for bail.

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 Sri Sankash Chandra, Judicial Magistrate, 1st Class, Samastipur, in connection with Pusa P.S.Case No. 60 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)

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