

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3036 of 2017

Arising Out of PS.Case No. -130 Year- 2017 Thana -SULTANGANJ District- BHAGALPUR

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Sahitya Nand Sah @ Bholana, son of Yogendra Sah, resident of Village-
Munshipatti, P.S.-Sultanganj, District-Bhagapur.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Tarun Prasad Mandal

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 07-11-2017 Heard learned counsel for the appellant.

This appeal has been filed for grant of bail in connection with Sultanganj P.S. Case No. 130 of 2017, registered for the offences punishable under Sections 435, 379, 385, 387, 411 of the Indian Penal Code and 3/4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 20.9.2017 passed by Additional Sessions Judge-II-cum-Special Judge, SC/ST Act, Bhagalpur.

Appellant is not named in the FIR but later on his name transpires on the basis of his own confession.

Submission of learned counsel for the appellant is that FIR has been lodged without naming the appellant but later on his name has been inserted in this case by forcibly his confession has been recorded and he is in custody for four months having no criminal antecedent.

Heard learned Special P.P. also.



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

Let the appellant, above named, be released 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 Additional Sessions Judge-II-cum-Special Judge, Bhagalpur, in connection with Sultanganj P.S.Case No. 130 of 2017, subject to the conditions as follows :

- (1) One of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of the court concerned,
- (2) Appellant will co-operate in trial and appear on each and every date in court and on failure to appear on two consecutive dates without any genuine ground or without permission of court, his bail bond shall be cancelled.

(Vinod Kumar Sinha, J)

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