

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3259 of 2017

Arising Out of PS.Case No. -5 Year- 2015 Thana -KAUAKOL District- NAWADA

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Surendra Singh, Son of Siddheshwari Singh, Resident of Village-
Rustampur, P.S.- Kawakole, District- Nawada.

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Deepak Kumar, Adv.

For the Respondent/s : Mr. Sri Sadanand Paswan, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 16-02-2018

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 against the refusal of prayer for bail by the learned 1st Additional Sessions Judge-cum-Special Judge, Nawada, in connection with Spl.(H) Case No.59 of 2016 arising out of Kawakole P.S.Case No. 05 of 2015 registered under Sections 341,452,504,506,307,302,34 of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant is in custody since 02.06.2016. Allegation is that he stood over the stomach of the husband of the informant and crushed, as a result



whereof, husband of the informant died during course of treatment.

Submission of the learned counsel for the appellant is that the Doctor has not found any external injury as per the postmortem report nor any internal organ was found damaged and cause of death is still to be ascertained. He further submits that though the trial is going on, only two prosecution witnesses have been examined and they have not supported the prosecution case as per the report of the learned Trial Judge.

Learned counsel for the informant opposed the prayer for the bail on the ground that the appellant has got criminal antecedent and in the event of his release he would tamper with the evidence and obstruct in progress of the trial.

Considering the period already undergone by the appellant and the material available on the record, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the appellant shall file undertaking at the time of furnishing bail bond that he would not tamper with the evidence and shall fully



cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the appeal stands allowed.

(Birendra Kumar, J)

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