

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1735 of 2018

Arising Out of PS.Case No. -10 Year- 2017 Thana -PIPRA District- EASTCHAMPARAN
(MOTIHARI)

=====

1. Pushkar Singh, S/o Bipin Bihari Singh, Resident of Village- Kuria, P.S.- Pipra
Kothi, Distt.- East Champaran at Motihari.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Onkar Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 27-08-2018

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 vide order dated 19.01.2018
passed by the learned 1st Additional Sessions Judge-cum-Special
Judge (S.C./S.T. Act), East Champaran at Motihari, in connection
with Pipra Police Station Case No.10 of 2017, registered under
Section 302/120B of the Indian Penal Code, Section 27 of the Arms
Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989.

The deceased was a witness in some other murder
case and just to prevent him from deposing in Court, co-accused



Santosh Singh and this appellant allegedly fired causing injury at the back of the deceased.

Learned counsel for the appellant submits that the doctor has not found any injury at the back of the deceased; rather injuries found were at the right-side of chest and at the left side of chest, which show that the informant is, in fact, not an eyewitness of the occurrence. The appellant is in custody since 20.01.2017. Investigation of the case is already complete.

Learned counsel for the informant opposed the prayer on the ground that appellant has got criminal antecedent, which would be evident from the statement in para-3 of the bail petition. Moreover, the appellant and others are threatening from the jail to not to depose in the case.

Considering the fact that prosecution allegation is not consistent with the medical evidence and the appellant is in custody since last one year, 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 in future if the learned Court-below would get complaint coupled with evidence that the appellant is involved in tampering with the evidence, the Court-**



below would be at liberty to cancel the bail-bond of the appellant.

Accordingly, the impugned order is set aside and appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.08.2018
Transmission Date	29.08.2018

