

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.289 of 2019

Arising Out of PS. Case No.-92 Year-2018 Thana- PRANPUR District- Katihar

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Bhola Thakur s/o Badri Thakur resident of village Budhaili police Station
Pranpur in the District of Katihar

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sunil Kumar
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 04-02-2019 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 order dated **15.09.2018** passed by learned **Additional Sessions Judge 1st-cum-Special Judge, Katihar** in connection with **G.R. No.2807 of 2018 arising out of Pranpur P.S. Case No.92 of 2018** registered under Sections 147, 341, 323, 307 and 504 of the IPC and Section 3(1) (g) (r) of SC/ST (Prevention of Atrocities) Act was added.

Informant in his written complaint has alleged that while he was fencing his land FIR named accused including



appellant variously armed with *lathi* and *iron rod* came and assaulted him and his family members as a result of which brother of informant died.

It has been submitted on behalf of the appellant that there is no specific allegation against him of causing any assault on informant or any of his family members. Appellant has got no criminal antecedent and is in custody since 30.06.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the Appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at



liberty to move for cancellation of bail of the Appellant.

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

(S. Kumar, J)

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