

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.192 of 2019

Arising Out of PS. Case No.-100 Year-2018 Thana- HAYAGHAT District- Darbhanga

1. Jai Indra Singh son of Late Parmeshwar Singh Resident of Village- Auliabad, P.S.- Hayaghat, District - Darbhanga (Bihar).
2. Shyam Nandan Singh @ Shyamanand Singh, son of Late Binda Prasad Singh @ Bindeshwar Singh Resident of Village- Auliabad, P.S.- Hayaghat, District - Darbhanga (Bihar).
3. Sadanand singh son of Late Binda Prasad Singh @ Bindeshwar Singh Resident of Village- Auliabad, P.S.- Hayaghat, District - Darbhanga (Bihar).

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 26-03-2019 Heard learned counsel for the Parties.

This is an appeal under Section 14(A)(2) of SC & ST (Prevention of Atrocities) Amendment Act, against the refusal of prayer for bail by order dated 18.12.2018 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST POA Act), Darbhanga, in SC/ST G.R. Case No. 236 of 2018, in connection with Hayaghat P.S. Case No. 100 of 2018, registered under Sections 147, 148, 149, 341, 342, 323, 324, 307, 337, 338, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s)(w) SC/ST Act, 1989.

Informant has alleged that on 10.11.2018 at about



8.00 AM FIR named accused came variously armed and started assaulting him and his family members. There is specific allegation of assaulting the informant by Ramanand Singh, Sadanand Singh and Amit Kumar Singh by sword on his head and he sustained head injury and blood started oozing from his head. On earlier occasion appellant Nos. 1 and 2 were granted regular bail, however, since there was specific allegation of assault against appellant No. 3. Case diary was called for in which lacerated injury sustained by informant were found on right side of forehead which is simple in nature caused by hard and blunt object, although allegation is causing injury by sword. Appellant No. 3 Sadanand Singh has no criminal antecedent and he is in custody since 12.11.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant No. 3 Sadanand Singh named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) 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 No. 3 shall co-operate in the trial



and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the appellant No. 3 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 No. 3.

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

(S. Kumar, J)

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