

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.277 of 2019

Arising Out of PS. Case No.-413 Year-2018 Thana- TEGHRHA District- Begusarai

Suman Kumar Sahani, aged 23 years (M) Ramnandan Sahni Resident of
Village- Pakthaul P.S- Teghra, and District- Begusarai.

.. ... Appellant/s

Versus

The state of Bihar Bihar

... ... Respondent/s

Appearance :

For the Appellant/s : Mr.Bibhuti Narayan, Adv.

For the Respondent/s : Mr.Sadanand Paswan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 23-01-2019

Heard learned counsel for the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for bail by order dated 12.12.2018 passed by learned Special Judge S.C./S.T. Act, Begusarai, in connection with Teghra, P.S. Case No. 413 of 2018, registered under Sections 448, 341, 323, 354, 379, 34 of the Indian Penal Code, Section 3(r)(s) SC/ST Act and Section 37 (b) of Bihar Prohibition of Excise Act.

Informant has alleged that on 29.10.2018 at about 1:00 P.M., Suman Kumar Sahani (petitioner) came in drunken state and taken to her forcibly to his house by using his caste name and told that your son Bablu Chaudhary and Vikash Chaudhary kidnapped his sister and assaulted by fists and leg. It has been further alleged that his father Ramnandan Sahani, his daughter and wife also assaulted her by iron rod and lathi. During assault, the wife of the



appellant Nandani Devi snatched her Mangalsutra and ear ring.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. The informant has not produced any report in support of any injury. Appellant has no criminal antecedent and is in custody since 03.10.2018.

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/- (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 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 Court and their absence on two consecutive dates without sufficient reasons, 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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