

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.288 of 2019

Arising Out of PS. Case No.-630 Year-2017 Thana- MOHANIYA District- Bhabhua (Kaimur)

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1. Mahbub Miyan and Anr Akhatar Miyan @ Akhatar Ali village Ahinaura, P.S- Mohaniya, Dist-Kaimur at Bhabhua
 2. Babujan Miyan Islam Miyan Both resident of Village Ahinaura Police Station Mohaniya District Kaimur at Bhabhua

... .. Appellant/s

Versus

The State of Bihar .

.. ... Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar Singh
For the Respondent/s : Mr. Usha Kumari 1

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 SC & ST (Prevention of Atrocities) Amendment Act, against the refusal of prayer for bail by order dated 14.12.2018 passed by learned Additional Sessions Judge 1st cum special Judge, Kaimur at Bhabhua, in SC/ST Reg. No. 382 of 2017 arising out of Mohaniya P.S. Case No. 630 of 2017, registered under Sections 302, 201, 120(B) of the Indian Penal Code and Section 3(2)(V) of SC/ST Act.

Informant has alleged that his son had gone outside the house on 11.11.2017 at 2:00 PM and subsequently on 12.11.2017 his dead body was found lying in the village. He suspected that due to some money dispute, FIR named accused has killed his son.

It has been submitted on behalf of the appellants that



appellants are innocent and have been falsely implicated in this case only on the basis of confession made by Pintu Ram. It has been further submitted that said Pintu Ram has already been granted regular bail by a co-ordinate Bench of this Hon'ble Court as contained in Annexure-2 series. Appellants have no criminal antecedent and they are in custody since 20.10.2018.

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bond of Rs. 20,000/-(twenty thousand) each 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) appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

(3) If the appellants 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 appellants.

(S. Kumar, J)

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