

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.117 of 2019

Arising Out of PS. Case No.-100 Year-2016 Thana- PAKARIBARAW District- Nawada

Kanhaiya Singh Male age about 45 Years s/o late Awadh Singh, resident of village-Papariya, P.S. Pipariya, District Lakhisarai.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Lakshmi Kant Sharma
For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 10-01-2019 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 **14.12.2018** passed by learned **1st Additional Sessions Judge, Nawada**, in **Spl (H) Case No. 5(A) of 2017 arising out of Pakaribarawan P.S. Case No. 100 of 2016** registered under Sections 302, 379,/34 of the IPC and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act.

Informant who is widow of the deceased has stated in her fardbeyan that her husband Dhanteras Ravi Das used to drive the Tractor from the brick kiln and had gone to the brick kiln of Shyam Sunder Sao for delivery of bricks and thereafter did not return and his dead body was found on the next day and



FIR was instituted against unknown persons.

It has been submitted on behalf of the appellant that the appellant has been falsely implicated in this case as the Tractor which was driven by the deceased was recovered from the Brick Kiln of the appellant. It has been submitted on behalf of the appellant that the said Tractor was purchased by him and in confessional statement of Golden Kumar he confessed for having looted the Tractor from the deceased and killed him and sold it to the appellant and thereafter same was used by appellant for transportation of his bricks. It has been further submitted that the appellant was neither aware of killing of deceased or that it was a stolen Tractor. It has been submitted that similarly situated co-accused Tripurari Singh has been granted bail by a co-ordinate bench of this court vide order dated 24.09.2018 passed in Criminal Appeal (SJ) No. 3257 of 2018 and the case of the appellant stands on better footing. Appellant is in custody since 24.11.2018.

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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