

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.321 of 2019

Arising Out of PS. Case No.-16 Year-2018 Thana- ARA MUFFSIL District- Bhojpur

Binod Singh @ Binod Kumar singh Son of Suchit Singh R/o village-
Mathavaliya, P.S- Ara (Mufasil) District- Bhojpur

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shiv Prasad Gupta
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 20-02-2019 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 06.12.2018 passed by learned **1st Additional Sessions Judge, Bhojpur, Ara**, in connection with **Ara Muffasil P.S. Case No. 16 of 2018 and SC/ST Case No. 18 of 2018** registered under Sections 341, 323, 354, 308/34 of the IPC and Section 3(i)(x) of SC/ST (Prevention of Atrocities) Act.

Allegation is of abusing and assaulting and causing injury on the person of the Informant.

It has been submitted on behalf of the petitioner



that he is innocent and has been falsely implicated in this case due to land dispute. There is case and counter case. Injury attributable to appellant is simple in nature. Similarly, situated co-accused person has been granted bail by a co-ordinate bench of this Court vide order dated 18.09.2018 in Criminal Appeal (SJ) No. 2589 of 2018. Appellant has got no criminal antecedent and is in custody since 22.11.2018.

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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