

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.172 of 2019

Arising Out of PS. Case No.-204 Year-2018 Thana- KARAKAT District- Rohtas

Sandeep Choudhary, son of Nandlal Choudhary, resident of village- Dihra,
P.S. Karata (Gorari) District- Rohtas

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bachan Jee Ojha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 09-01-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A) of SC & ST (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 15.12.2017 passed by learned A.D.J.-1st, Rohtas at Sasaram in connection with Karakat P.S. Case No. 204 of 2018, registered under Sections 147, 148, 149, 341, 323, 307, 302, 448 of the Indian Penal Code and Section 3(i) (r) (s), 3 (2) (v), 3(2) (v) a of SC /ST Atrocities Act and Section 27 of Arms Act.

Informant has alleged in his fardbeyna that baby goat of Munna Choudhary was grazing in the field of Rajnish Choudhary for which altercation took place and it has been subsequently alleged that the F.I.R. named accused came to the house of informant and started abusing them by their caste name and Upendra Choudhary fired twice in the air and when Pawan



Kumar came out he was also abused and assaulted and there is specific allegation against accused Krishna Choudhary of firing upon Pawan Kumar as a result of which he died on the spot and Chhotelal got injured.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case, except he being named in the F.I.R. there is no allegation of any overt act against him. He has no criminal antecedent and is in custody since 09.11.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bonds 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 his 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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