

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.408 of 2019

Arising Out of PS. Case No.-236 Year-2018 Thana- KATIHAR MUFFASIL District- Katihar

Kishore Kumar Singh, Age 26 Yrs, Male, Son of Vishan Singh Resident of
Village - D.S. Collage, Katihar, P.S. Katihar Muffasil, District, Katihar,

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 11-02-2019 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 15.12.2018 passed by the learned Additional District & Sessions Judge 1st -cum-Special Judge, Katihar in connection with Katihar Muffasil P.S. Case No.236 of 2018 registered under Sections 365 of the Indian Penal Code and Sections 3(i)(w)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant in his written report has alleged that on 08.11.2018 at about 3 p.m. his son aged three years was playing on the road, however, after some time, he was found missing and even on much search, he could not be traced. On the next



day at 6 a.m., he came to know that accused has kept his minor son in his house and when he went there he found his missing son in the lap of the appellant.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case on suspicion. It has further been submitted that son of the informant by mistake came there as he lost his way and he kept him in his safe custody. However, subsequently the informant instituted the present case at the instance of his enemies. Appellant has got no criminal antecedent and is in custody since 10.11.2018.

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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