

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.86 of 2019

Arising Out of PS. Case No.-71 Year-2018 Thana- BIKRAMGANJ District- Rohtas

Raju Singh, aged about 40 years, Male, son of Late Srinivas Singh @ Sri Niwas Singh, resident of Vill – Gotpa, P.S- Bikramganj, Distt.-Rohtas at Sasaram. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raghunandan Kumar Singh
For the Respondent/s : Mr.Usha Rani (App)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 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 24.11.2018 passed by the learned Addl. Sessions Judge-I, Rohtas at Sasaram in connection with Bikramganj P.S. Case No.71 of 2018 registered under Sections 302/34 of the Indian Penal Code, Section 3(1)(v)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and later on Section 364 IPC and Section 3(1)(w)(ii), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) and Section 8 of the POCSO Act.

Informant has stated in his written report instituted on 08.03.2018 that on 06.03.2018, his daughter had gone to



attend the call of nature, the F.I.R. named accused including the appellant forcibly took her away and even after much search, she could not be located and on 08.03.2018, he found her dead-body to be thrown behind his house. He has suspected that appellant has killed her.

It has been submitted on behalf of the appellant that the alleged offence is of 06.03.2018 but no F.I.R. was instituted on the same day against the appellant and only after dead-body was found behind his house on 08.03.2018, a false and concocted case has been made against him. There is dispute between the parties and no motive has been shown by informant for murdering his daughter by the appellant. It has been further submitted that one of the co-accused, namely, Mintu Singh has already been granted bail by this Court as contained in Annexure 2. Appellant has got no criminal antecedent and is in custody since 18.09.2018.

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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