

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.438 of 2019

Arising Out of PS. Case No.-280 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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Rustam, aged about 31 years (Male), son of Md. Mokhtar @ Md. Mukhtar
resident of Village-Nawadih Karula, P.S. Town, Distt.-Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ravi Kumar, S/o Kapil Ram, Resident of Village-Nawadih (Near Imali), Ward
No.20, P.S-Nagar,District .-Aurangabad.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjay Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 18-02-2019 This is an appeal under Section 14(A) (2) of SC &

ST (Prevention of Atrocities) Act, against the refusal of prayer
for bail by order dated 04.01.2019 passed by learned 1st

Additional Sessions Judge-cum-Special Judge (SC/ST) Act,
Aurangabad, in connection with Aurangabad (Town) P.S. Case
No. 280 of 2018, registered under Sections 341, 326, 307/34 of
the Indian Penal Code and Section 3 (2) (V) of SC /ST (POA)
Act.

As per F.I.R. the appellant and other FIR named
accused allegedly assaulted brother of informant and he was
found lying near the pond in serious condition and was taken to
hospital where he subsequently died. Informant has stated that
the deceased named four persons as named in FIR of assaulting



him by sharp cutting weapon.

It has been submitted on behalf of the appellant that he is innocent and has been implicated in this case. Similarly placed co-accused has been granted bail by another co-ordinate bench of this court vice order dated 21.12.2018 passed in Cr. Appeal (S.J.) No. 4636 of 2018. Petitioner is in custody since 23.09.2019.

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/- (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 their 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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