

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.414 of 2019

Arising Out of PS. Case No.-345 Year-2018 Thana- BAKHARI District- Begusarai

SUNDER RAI @ SUNDER LAL MAHTO @ LAL MAHTO, male, aged about 50 years, Son of Late Nagendra Rai @ Late Nageshwar Rai @ Late Nageshwar Mahto Resident of Village – Salauna, P.S. Bakhari, District, Begusarai

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam

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 17.12.2018 passed by the learned Special Judge, Schedule Caste/Schedule Tribe (Prevention of Atrocities Act), Begusarai in connection with Bakhari P.S. Case No.345 of 2018 registered under Sections 341, 323, 325, 307, 302, 120(B) of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged in his fardebyan that his deceased brother received a mobile call on his mobile phone on 16.11.2018 and, thereafter, left the house and he was found in



injured condition on 17.11.2018 and, thereafter, he was taken to hospital. It has been further alleged that his brother regained consciousness for some time and he disclosed the name of the appellant as accused. However, he died on 23.11.2018 during his treatment and, thereafter, present F.I.R. was instituted on 24.11.2018.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due to village politics at the instance of his enemies and during treatment of his deceased brother, neither any F.I.R. was instituted nor his statement was recorded by the police or by the Doctor in the hospital. Appellant has no criminal antecedent and he is in custody since 25.11.2018.

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)

Sanjay/-

U		T	
---	--	---	--

