

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.522 of 2019

Arising Out of PS. Case No.-527 Year-2018 Thana- SAKRA District- Muzaffarpur

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Ankush Kumar Rai @ Bhola, aged about 20 years (Male), Son of Kamleshwar Rai, Resident of Village-Chandpur Chiknauta, P.S.-Sakra, Dsitric- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 21-02-2019 Heard the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Amendment Act, 2015 against the refusal of prayer for bail by order dated 24.12.2018 passed by learned 11th A.D.J.-cum-Special Judge (SC/ST) Act, Muzaffarpur, in connection with Sakra P.S. Case No. 527 of 2018, corresponding to G.R No. 293 of 2018, registered under Sections 341, 342, 323, 147, 149, 379, 307, 120(b), 504, 34 of the Indian Penal Code, Section 27 of Arms Act and Section 3 (1) (r) of SC /ST (P.O.A.)Act.

Informant has alleged that on 25.11.2018 at about 8:30 P.M., while his younger brother was going to his house in the meantime 8 persons including appellant stopped them and



abused by giving caste name and started assaulting them, in the meantime co-accused Vikash Kumar assaulted with butt of pistol and took Rs. 315/- and mobile from his pocket.

It has been submitted on behalf of the appellant that he is innocent and has been implicated in this case due to village politics. He has no criminal antecedent and is in custody since 28.11.2018.

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/- (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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