

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.458 of 2019

Arising Out of PS. Case No.-570 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

=====

Vijay Kumar Sultaniya, aged 35 yrs. (M), Son of Sri Om Prakash Sultaniya
Resident of Village – Agarwa, P.S. Motihari Town, District, East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Abhishek Kumar

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 11.01.2019 passed by the 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Motihari Muffasil P.S. Case No.570 of 2018 registered under Sections 341, 342, 323, 504, 506, 34 of the Indian Penal Code and Section 3(i)(d)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant in the F.I.R. has alleged that on



13.09.2018, all the accused persons including the appellant came at her door and abused her by her caste name and also resorted to firing to grab her land.

It has been submitted on behalf of the appellant that he is innocent and has falsely been implicated in this case because of the land dispute between the parties. Appellant is in custody since 05.01.2019.

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/- 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	
---	--	---	--

