

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.759 of 2019

Arising Out of PS. Case No.-58 Year-2018 Thana- PHENHARA District- East Champaran

1. VIKRAM PRASAD, aged about 60 years, (Male), S/o Late Ramchandra Sah
2. Manish Kumar aged about 22 years, (Male), Son of Vikaram Prasad
Both Resident of Village - Phenhara, P.S. Phenhara, Distt - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shatrudhan Chaudhary (Male), aged about 60 years, Son of Late Chattu Chaudhary, Resident of Village – Phenhara, P.S. Phenhara, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sangeet Deokuliar, Adv.
For the Respondent/s : Mr.Binay Krishna (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 27-03-2019 Heard the parties.

This is an appeal under Section 14(A) 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, East Champaran, in connection with Phenhara P.S. Case No. 58 of 2018, registered under Sections 147, 148, 149, 324, 307, 354-B, 379, 436, 504, 506 of the Indian Penal Code, Section 3 (i) (r) of SC /ST Act.

Since children of the two families had entered into love marriage the parties were not pulling well and for that there is case and counter case with allegation of abuse and assault.



It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case. Similarly placed co-accused have been granted bail by co-ordinate bench of this court vide order dated 25.10.2018 passed in Cr. Misc. No. 3686 of 2018. Appellants have no criminal antecedent and are in custody since 01.12.2018 and 27.11.2018.

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) each 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) Appellants 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, their bail bond shall be cancelled by the court below.
- (3) If the appellants 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 appellants.



Accordingly, the impugned order is set aside and this
appeal stands allowed.

(S. Kumar, J)

Rajiv/-

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

