

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.660 of 2019

Arising Out of PS. Case No.-537 Year-2018 Thana- MOHANIYA District- Kaimur (Bhabua)
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MD. SONU KHAN @ SONU KHAN, aged about 25 years, (M) Son of Afsar Khan, Resident of mohalla- Takia Badi Bazar, Ward No. 11, P.S.- Moahania, District- Kaimur at Bhabua.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Parwej Khan

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 07-03-2019 Heard learned counsel for the parties.

A supplementary affidavit has been filed by the learned counsel for the appellant and same has been taken on record.

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 **08.01.2019** passed by learned **Additional District & Sessions Judge-1st -cum-Special Judge, kaimur at Bhabua** in connection with **Mohania P.S. Case No. 537 of 2018** registered under Sections 341, 323, 307, 325, 504 and 34 of the IPC and Section 3 (1) (r) (s) of SC/ST (Prevention of Atrocities) Act.



Informant has stated that while he was returning from the market along with his younger brother Prakash Baitha and co-villager Rajendra Pasi and as they came near the house of Rajendra Pasi, FIR named accused were taking liquor on the roof of the house of Rajendra Pasi which was objected by him and thereafter they started abusing and assaulting Rajendra Pasi and when his brother Prakash Baitha tried to pacify them, then he was also assaulted by the FIR named accused. He was taken to hospital where he died after three days during treatment.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due to enmity and village politics. Injury report has been enclosed as Annexure- A by way of supplementary affidavit in which cause of death has been attributed to injury caused on head, however, in the FIR there is no allegation against appellant of causing head injury to the deceased. Appellant has got no criminal antecedent and is in custody since 13.09.2018.

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)

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