

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.620 of 2019

Arising Out of PS. Case No.-10 Year-2018 Thana- SAHPUR District- Bhojpur

=====

BRAJESH RAI @ BRIJESH RAI, aged about 20 years, (M) Son of Late
Bishuni Rai Resident of Village- Ramdathi, P.S.- Karnamepur, District-
Bhojpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Arun Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 13-03-2019 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 **08.01.2019** passed by learned **Additional Sessions
Judge-I-Cum-Special Judge SC/ST Act, Ara, Bhojpur** in
connection with **SC/ST Case No. 11 of 2018 arising out of
Shahpur (Karnamepur) P.S. Case No. 10 of 2018** registered
under Sections 302 and 34 of the IPC, Section 3 (i) (r) (g) 2 (V-
a) of SC/ST (Prevention of Atrocities) Act and under Section 27
of the Arms Act.

Informant who is the wife of deceased has alleged that



appellant along with FIR named accused and 3-4 unknown, killed her husband due to land dispute and not compromising a case against appellant and FIR named accused in which her husband was an eyewitness.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due to land dispute and for which he has been implicated in one another case. There is no eyewitness of the alleged occurrence. There is general and omnibus allegation against all FIR named accused. It has been further submitted that similarly placed co-accused has been granted bail by co-ordinate Bench of this Court as contained in Annexure-2 of this petition. He is in custody since 19.05.2018.

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)

manoj/-

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

