

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.742 of 2019

Arising Out of PS. Case No.-204 Year-2018 Thana- KARAKAT District- Rohtas

1. Niraj Choudhary, age 21 years (Male), Son of Nandlal Choudhary
2. Lili Choudhary @ Lili Choudhary @ Anil Kumar, age 20 years (Male), Son of Shusil Choudhary, Resident of Village- Dihra, P.S.- Karakat (Gorari), District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bachan Jee Ojha, Adv.
For the Respondent/s : Mr.Binay Krishna (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 26-03-2019 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 18.01.2019 passed by learned A.D.J.-1st, Rohtas at Sasaram, in connection with Registered case No. 329 of 2018 corresponding to Karakat P.S. Case No. 204 of 2018, registered under Sections 147, 148, 149, 341, 323, 307, 302, 448 of the Indian Penal Code, Section 3 (i) (r) (s), 3 (2) (v), 3(2) (v), 3(2) (v)a of SC /ST Act and section 27 of Arms Act.

Informant has alleged in his fardbeyna that baby goat of Munna Choudhary was grazing in the field of Rajnish Choudhary for which altercation took place and it has been



subsequently alleged that the F.I.R. named accused including appellants came to the house of informant and started abusing them by their caste name and Upendra Choudhary fired twice in the air and when Pawan Kumar came out he was also abused and assaulted and there is specific allegation against accused Krishna Choudhary of firing upon Pawan Kumar as a result of which he died on the spot and Chhotelal got injured.

It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case. The allegation of firing is only against Krishna Choudhary and no overt act has been alleged against the appellants. Similarly placed co-accused Sandeep Choudhary has been granted bail by this court vide order dated 09.01.2019 passed in Cr. Appeal (S.J.) No. 172 of 2019. Appellants have no criminal antecedent and are in custody since 05.01.2019.

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)

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