

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.609 of 2019

Arising Out of PS. Case No.-87 Year-2003 Thana- NAWANAGAR District- Buxar *

Sajjan Pandey, Male, aged about 50 years, Son of Hala Pandey Resident of
Village - Bhatauli, P.S.-Nawanagar, District-Buxar.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mohit Shriwastav Mr. Vijay Kumar
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 26-02-2019 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 10.01.2019 passed by the Additional Sessions Judge 1st -cum- Special Judge, Buxar in connection with SC/ST Case No.279 of 2017 / CIS No.231/17 arising out of Nawanagar P.S. Case No.87 of 2003 registered under Sections 452, 241, 232, 380, 34 of the Indian Penal Code and Section 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

This is a case of misuse of privilege of bail.

It has been submitted on behalf of the petitioner that



earlier he was granted bail by the court below on 07.08.2003 and the parties had entered into compromise. It has further been submitted that appellant and other co-accused made parvi in the case for a long time and they thought that the case was disposed of due to compromise and they left the parivi. However, the lower court cancelled the bail bond of the petitioner on 07.02.2018. Petitioner is in custody since 10.01.2019. It has also been submitted that the petitioner undertakes to never misuse the privilege of bail in future.

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	
---	--	---	--

