

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.667 of 2019

Arising Out of PS. Case No.-48 Year-2018 Thana- SC/ST District- Patna

=====

MONU SINGH @ ABHIMANYU, aged about 35 years, (M) Son of Sri Parmanand Sharma Resident of Maurya Tower, P.S.- Kotwali, District- Patna, Permanent Address- Mithapur Sabji Bajar, P.S.- Jakkanpur, District- Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Shashank Shekhar
For the Respondent/s : Mr.Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 28-02-2019 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 **29.01.2019** passed by learned **Special Judge (SC/ST Act), Patna** in connection with **Patna SC/ST P.S. Case No. 48 of 2018 (Special Case No. 543 of 2018)** registered under Sections 448, 452, 379, 420, 120B and 34 of the IPC and Section 3 (1) (r) (f) (g) (w) and 3 (2) (va) of SC/ST (Prevention of Atrocities) Act.

Informant has alleged that petitioner along with other co-accused persons with forged document transferred leased hold rights of his shop and when he and his wife had gone to his



shop, he found appellant sitting in his shop after breaking lock of his shop and when he asked him, he along with other FIR named accused assaulted them with wooden log and abused them by taking their caste name.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. Specific allegation of forgery is on co-accused, Prabhakar Kunwar. He took the said shop on rent from Prabhakar Kumar. Appellant has got no criminal antecedent and is in custody since 12.01.2019.

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	
---	--	---	--

