

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.755 of 2019

Arising Out of PS. Case No.-77 Year-2017 Thana- BACHHWARA District- Begusarai

Sikandar Sahni @ Siko Sahni, aged about 42 years, Male, Son of Ramashish Sahni, Resident of Village- Nonpur, P.S.- Teghra, District- Begusarai.

.. ... Appellant/s

Versus

THE STATE OF BIHAR

... ... Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Sumiran Rai

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 03-04-2019 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 24.01.2019 passed by the learned Spl. Judge SC/ST Act, Begusarai in connection with Bachhwara P.S. Case No.77/2017 registered under Sections 302 & 120 (B)/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the F.I.R. named accused and unknown persons is to have shot fire upon the husband of the informant as a result of which, he died.

It has been submitted on behalf of the appellant that he is innocent and has falsely been implicated in this case.



Appellant is not named in the F.I.R. and his name has surfaced in this case on the confessional statement made by the co-accused Murari Singh and except said confessional statement, there is no any other incriminating material against the appellant. Appellant is in custody since 25.07.2018.

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)

Sanjay/-

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