

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.533 of 2019

In
CRIMINAL MISCELLANEOUS No.7265 of 2019

Arising Out of PS. Case No.-211 Year-2018 Thana- SARAI District- Vaishali

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1. RAJ KAMAL SINGH @ RAJ KUMAR aged about 37 years, (M) Son of Nand Lal Singh Resident of Dohji Ramchandra, PS-Sarai, Dist-Vaishali
 2. Birendra Singh, aged about 63 years, (M) Son of Late Chandu Singh Resident of Dohji Ramchandra, PS-Sarai, Dist-Vaishali

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 12-03-2019 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 **19.12.2018** passed by learned **Additional District and Sessions Judge 1st, Vaishali at Hajipur**, in connection with **Sarai P.S. Case No. 211 of 2018** registered under Sections 302 and 34 of the IPC and Section 3 (2) (v) of SC/ST (Prevention of Atrocities) Act.

Informant who is the brother of the deceased has alleged that appellants along with other FIR named accused assaulted his brother and thereafter killed him and threw his dead body on



his door and thereafter tried to flee away but appellants and co-accused Raj Kumar Singh was caught by villager after chase.

It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case. As per the postmortem report doctor did not found any external injury on the person of the deceased and cause of death was said to be cardiac failure. It has been further submitted that similarly placed co-accused has been granted bail by co-ordinate Bench of this Court as well as this Court vide judgment and order dated 26.02.2019 passed in Cr. Appeal (SJ) No. 579 of 2019 and vide order dated 25.02.2019 passed in Cr. Appeal No. 565 of 2019. Appellants have got no criminal antecedent and are in custody since 29.09.2018.

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/- 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 the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(3) If the Appellants tamper 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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