

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.777 of 2019**

Arising Out of PS. Case No.-345 Year-2018 Thana- BAKHARI District- Begusarai

RAMKRIT SAH Son of Sagar Sah @ Sagar Sahu Resident of Village -
Salauna, P.S.- Bakhri, Distt - Begusarai.

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Kumar No.1
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 07-03-2019 Heard learned counsel for the Parties.

This is an appeal under Section 14(A)(2) of SC & ST
(Prevention of Atrocities) Amendment Act, against the refusal
of prayer for bail by order dated 20.12.2018 passed by learned
Special Judge of SC/ST Act at Begusarai in Bakhri P.S. Case
No. 345 of 2018 registered under Sections 341, 323, 325, 307,
302, 120(B) of the Indian Penal Code and Section 3(i)(r) of the
SC/ST Act.

Informant has alleged in his fardebyan that his
deceased brother received a mobile call on his mobile phone on
16.11.2018 and, thereafter, left the house and he was found in
injured condition on 17.11.2018 and, thereafter, he was taken to
hospital. It has been further alleged that his brother regained
consciousness for some time and he disclosed the name of the



appellant as accused. However, he died on 23.11.2018 during his treatment and, thereafter, present F.I.R. was instituted on 24.11.2018.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due to village politics at the instance of his enemies and during treatment of his deceased brother, neither any F.I.R. was instituted nor his statement was recorded by the police or by the Doctor in the hospital. It has been further submitted that similarly placed co-accused, namely Sunder Rai has been granted bail by this Hon'ble Court vide order dated 11.02.2019 passed in Cr. Appeal (SJ) No. 414 of 2019. Appellant has no criminal antecedent and he is in custody since 11.12.2018.

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/-(twenty thousand) 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 his absence on two



consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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)

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