

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.843 of 2019**

Arising Out of PS. Case No.-710 Year-2018 Thana- JAHANABAD District- Jehanabad

AJAY GOSWAMI, aged about 34 years, Geznder Male, Son of Naresh Goswami, Resident of Kutlupur, Chiraili, P.S.-Khizersarai, District-Gaya. At preseth R/o Mohalla- Rajabazar Daulatpur, Balti Factory, P.S. + District-Jehanabad.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar, Adv.

For the Respondent/s : Mr.Sadanand Paswan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 26-03-2019

Heard the parties.

This is an appeal under Section 14 (2) of SC & ST Act, against the refusal of prayer for bail by order dated 24.01.2019 passed by learned 1st Additional District and Sessions Judge-cum-special Judge, SC/ST (POA) Act, Jehanabad, in connection with Jehanabad P.S. Case No. 710 of 2018, registered under Sections 341, 323, 324 and 307 of the Indian Penal Code, Section 3 (i) (r) (s), 3(2)(v)(a) of SC /ST (POA) Act.

Informant has alleged that in the evening of 08.09.2018 while he was sitting in the foot wear shop appellant came and abused him and when he protested appellant threatened him and took out a sword from his motorcycle with intention to kill him inflicted blow on his left elbow and eye.



The injury caused is grievous in nature.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. There is no repetition of blow of sword against the appellant. Appellant is in custody since 27.10.2018.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the appellant on bail at this stage.

However, it is observed that appellant named above be released on bail **after nine months of custody** 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 shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, 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)

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