

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.859 of 2019

Arising Out of PS. Case No.-348 Year-2018 Thana- SAHPUR District- Patna

LAKSHMI RAI @ LAXMI RAI, aged about 20 years, (M) Son of Late Shiv
Pujan Rai Resident of Hawaspur Dera, P.S.- Shahpur, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ghanshyam Tiwary
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 26-03-2019 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 **07.02.2019** passed by learned **Special Judge SC/ST Act, Patna**, in connection with **Special Case No. 621 of 2018 arising out of Shahpur P.S. Case No. 348 of 2018** registered under Sections 147, 341, 323, 504, 349 and 307 of the IPC and Section 3 (i) (r) of SC/ST (Prevention of Atrocities) Act.

Informant has alleged that on 15.11.2018 at about 8:00 AM when he had gone to grocery shop to purchase goods and having Rs. 3800/- in his pocket then FIR named persons armed



with *lathi, danda* surrounded him and abused him by his caste and snatch away the amount from his pocket and assaulted him as a result of which he was seriously injured. Allegation against all the sixteen named accused and 15 to 20 unknown accused is general and omnibus in nature and there is no specific allegation against appellant.

It has been submitted on behalf of the appellant that he is innocent and has committed no offence. He has been falsely implicated in this case due to village and business rivalry. It has been further submitted that there is no injury report and the learned sessions judge has also not disclosed about any injury sustained by informant. Appellant has got no criminal antecedent and is in custody since 19.12.2018.

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/- 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)

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