

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.876 of 2019

Arising Out of PS. Case No.-42 Year-2018 Thana- SC/ST District- Patna

MUNNA PRASAD, aged about 24 years, (M) Son of Suresh Prasad,
Resident of Village- Deokuli, Police Station- Dhanarua, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Akhauri Kamal Kishore Sahay
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 **14.02.2019** passed by learned **Special Judge, SC & ST Act, Patna**, in connection with **SC & ST P.S. Case No. 42 of 2018 (Special Case No. 452 of 2018)** registered under Sections 341, 323, 504, 506, 307 and 34 of the IPC, under Section 27 of the Arms Act and Section 3 (i) (r)/ 3 (2) (va) of SC/ST (Prevention of Atrocities) Act.

Informant has alleged in his written complaint that while



he was returning to his home FIR named accused including appellant abused him by taking his caste name and there is allegation against appellant that when he protested them for using abusive language, Munna Prasad (appellant) fired upon him but he did not sustain any firearm injury.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due to village rivalry. Allegation as made in FIR are false and concocted and except one case being instituted under Section 498 of the IPC he is not accused in any other criminal case. He is in custody since 14.02.2019.

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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