

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.912 of 2019

Arising Out of PS. Case No.-26 Year-2006 Thana- RAMNAGAR District- West Champaran

1. GULAM SARWAR, aged about 40 years, (M) Son of Samsaul Khan Resident of Village - Fulkaul, P.S.- Ramnagar, District - West Champaran
2. Chhote Khan, aged about 38 years, (M) Son of Samsul Khan Resident of Village - Fulkaul, P.S.- Ramnagar, District - West Champaran
3. Khalid Khan, aged about 33 years, (M) Son of Samad Khan Resident of Village - Fulkaul, P.S.- Ramnagar, District - West Champaran
4. Maldal Khan @ Rashid Khan, aged about 25 years, (M) Son of Samad Khan Resident of Village - Fulkaul, P.S.- Ramnagar, District - West Champaran
5. Shahid Khan, aged about 32 years, (M) Son of Samad Khan Resident of Village - Fulkaul, P.S.- Ramnagar, District - West Champaran
6. Bigra Khan @ Shehansha Khan, aged about 30 years, (M) Son of Hasim Khan Resident of Village - Fulkaul, P.S.- Ramnagar, District - West Champaran
7. Abdul Miyan @ Abdual Khan, aged about 31 years, (M) Son of Ashique Mian Resident of Village - Fulkaul, P.S.- Ramnagar, District - West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar No 7

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 27-03-2019 Heard learned counsel for the parties.

As prayed for, learned counsel for the appellant is



permitted to correct Para-13 of the petition in which date of surrender has been wrongly recorded.

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 **13.02.2019** passed by learned **Additional District and Sessions Judge-1st-cum-Special Judge (SC/ST PCSO), Bettiah, West Champaran** in connection with **Sessions Trial No. 13 of 2007 arising out of Ramnagar P.S. Case No. 26 of 2006**, registered under Sections 448, 323, 341, 504, 379 and 34 of the IPC and Section 3 (x) of SC/ST (Prevention of Atrocities) Act.

This is an application for grant of bail on behalf of the appellants, their bail bonds was cancelled on 18.01.2011 after their continued nonappearance before the trial court and on 20.12.2006 they were declared absconder.

It has been submitted on behalf of the appellants that the matter was compromised between the parties and as such they were under impression that the case has been dropped, however, when they got knowledge of issuance of non-bailable warrant against them and also they have been declared absconder by the trial court, they suo motu surrendered in the trial Court on



13.02.2019 and they are in custody since then. It has been submitted by the learned counsel for the appellants that they will appear or duly represented on each and every date as fixed by the Trial Court.

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 bonds 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



Appellants.

Accordingly, the impugned order is set aside and this
appeal stands allowed.

(S. Kumar, J)

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