

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.995 of 2019

Arising Out of PS. Case No.-804 Year-2018 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. BANSI RAM @ VANSHI RAM, aged about 50 years, (M) Son of Rajendra Ram R/o village- Chak Hasan, P.S.- Ahiyapur, District- Muzaffarpur
 2. Shiv Shankar Ram, aged about 18 years, (M) Son of Bansi Ram R/o village- Chak Hasan, P.S.- Ahiyapur, District- Muzaffarpur
 3. Raj Kumar Ram, aged about 30 years, (M) Son of Bansi Ram R/o village- Chak Hasan, P.S.- Ahiyapur, District- Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Siya Ram Shahi
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 03-04-2019 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 **04.02.2019** passed by learned **11th Additional Sessions Judge-cum-Special Judge, (SC/ST) Act, Muzaffarpur**, in connection with **Sadar P.S. Case No. 804 of 2018**, registered under Sections 302, 201 and 34 of the IPC and Section 3(1) (s)/3(2)(v) of SC/ST (Prevention of Atrocities) Act.

Informant has alleged in his written complaint that his



elder brother Manoj Ram had gone with accused Ajay Rai and thereafter he called him on mobile telling him that FIR named accused were also with him and he would be returning after some time, however, he did not return and dead body of his elder brother was found on 20.10.2018. Informant has suspected that FIR named accused from whom there was litigation and land dispute has killed his brother.

It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case as they are agnates and only on suspicion and except suspicion there is nothing against appellants. Allegation is against Ajay Rai of taking away the deceased brother of informant. Appellant have got no criminal antecedent and are in custody since 20.10.2018.

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 Appellants 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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