

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.942 of 2019

Arising Out of PS. Case No.-200 Year-2018 Thana- SAHIYARA District- Sitamarhi

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TUDDU SINGH @ SATISH SINGH @ SATISH KUMAR, aged about 29 years, (M) Son of Ram Vinay Singh @ Vinay Singh Resident of Village - Pokhar Bhinda, P.S.- Sahiara, Distt - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Krishna Kant Singh
For the Respondent/s : Mr.Sadanand Paswan

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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 **19.02.2019** passed by learned **1st Additional Sessions Judge, Sitamarhi**, in connection with **Sahiara P.S. Case No. 200 of 2018**, registered under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the IPC and Section 3(i) (r) (s) of SC/ST (Prevention of Atrocities) Act.

Informant has alleged that on 16.11.2018 there was some altercation took place between parties during of dancing programme on 14.11.2018. Allegation is against accused



Kanahai Singh who fired from his pistol which hit the informant in his stomach and further allegation is against son of Munna Singh and Rahul Singh of firing upon informant but same missed the target and blood started oozing out from the stomach of the informant. He fell down. Allegation against all FIR named accused is of assaulting him by *fist* and *slaps* and thereafter he was carried to hospital for treatment.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. Except being named in FIR there is no allegation against him of causing any firing on the informant. There is general and omnibus allegation against all the FIR named and unnamed accused of assaulting informant. Appellant has got no criminal antecedent and is in custody since 10.01.2019.

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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