

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1130 of 2019**

Arising Out of PS. Case No.-20 Year-2019 Thana- PIRO District- Bhojpur

1. RAJESH KUMAR S/o Ramchella Singh Resident of Village- Balua, Ward No. 17, P.S.- Piro, District- Bhojpur.
2. Dhanesh Kumar S/o Chandrika Singh Resident of Village- Parariya, P.S.- Bikaramganj, District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Ranjan Pd. Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 01-04-2019 Heard learned counsel for the Parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Amendment Act, against the refusal of prayer for bail by order dated 22.02.2019 passed by learned Special Judge SC/ST-cum-Addl. Sessions Judge-I, Bhojpur at Ara in connection with SC/ST Case No. 11 of 2019 arising out of Piro P.S. Case No. 20 of 2019 registered for the offence under Sections 341, 323, 353, 212, 504, 506/34 IPC and Section 3(1)(r)(s), 3(2)(va) SC/ST Act.

As per the FIR, ASI Deomati Kanji has stated that while she along with her team had gone to apprehend accused Chhotu Kumar, who is an accused in many cases, appellant



created obstruction in discharging their duty as a result, he fled away.

It has been submitted that appellants have no criminal antecedent and have been arrested only because of high handedness of the police. Appellants have no criminal antecedent and are in custody since 15.01.2019.

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) 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:-

(I) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(ii) appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bond.

(iii) If the appellants tamper 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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