

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1246 of 2019

Arising Out of PS. Case No.-104 Year-2002 Thana- JOGAPATTI District- West Champaran

JOKHU MUKHIYA @ JAKHU SAHANI, aged about 52 years, Male, S/o Late Lulha Mukhiya, Resident of Village- Sonbarasa, P.S.- Jogapatti (Nawalpur), District- West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar, Adv.

For the Respondent/s : Mr.Sadanand Paswan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 02-04-2019 Heard the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for bail by order dated 26.02.2019 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, Bettiah, West Champaran, in connection with S.Tr. No. 280 of 2007 arising out of Jogapatti (Nawalpur) P.S. Case No. 104 of 2002, registered under Sections 147, 323, 427,/34 of the Indian Penal Code and Section 3 (x) of SC /ST (POA)Act.

The appellant was granted bail in this case on 23.09.2002, but his bail bond was cancelled because of his non appearance on 20.07.2015. Thereafter, petitioner was declared absconder. Petitioner surrendered before the court below



on 18.02.2019.

It has been submitted on behalf of the appellant that he will not misuse the privilege of bail any further. It is further submitted that the appellant went outside to earn his livelihood but the Pairvikar did not do the pairvi of the case properly as a result of which the bail bonds of the appellant was cancelled. The appellant is in custody since 18.02.2019 and as such he may be granted bail.

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/- (twenty thousand) 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 Court and their absence on two consecutive dates without sufficient reasons, 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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