

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1165 of 2019

Arising Out of PS. Case No.-589 Year-2018 Thana- FATUA District- Patna

OM PRAKASH PANDIT Son of late Lakhan Pandit Resident of Village -
Khushiyaipur, P.s.- Fatuha, Distt.- Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Prasad
For the Respondent/s : Mr.Usha Kumari 1

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 21.02.2019 passed by learned Special Judge SC/ST (Prevention of Atrocities) Act, Patna in Special Case No. 529 of 2018 arising out of Fatuha P.S. Case No. 589 of 2018 registered under Sections 448, 341, 323, 324, 325, 354, 379/34 of the Indian Penal Code and Section 3(i) (r)SC/ST (Prevention of Atrocities) Act.

Informant has alleged in her written complaint that on 02.10.2018 in the evening at about 7:00 PM he was talking with his 3-4 friends and had kept his slipper below the Auto but after sometime he found the slipper to be stolen and he suspected that Mukesh Kumar had stolen his slipper and when he inquired



from him in the morning and thereafter came back then petitioner and other family members came variously armed and started assaulting him. There is specific allegation against OM Prakash (petitioner) of inflicting sword blow on his brother Ravi Paswan, as a result of which there was injury on his head.

It has been submitted on behalf of the appellant that allegations are false and concocted. No one has suffered any injury. There is case and counter case. In the order of Sessions Judge also there is no discussion of any injury or injury report. Appellant has no criminal antecedent and he is in custody since 21.02.2019.

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/-(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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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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